

House File 2578 - Reprinted

HOUSE FILE 2578
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 5004HB)

(As Amended and Passed by the House April 5, 2022)

A BILL FOR

1 An Act relating to appropriations for health and human
2 services and veterans and including other related provisions
3 and appropriations, providing penalties, and including
4 effective date and retroactive and other applicability date
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DEPARTMENT ON AGING — FY 2022-2023

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Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day, respite care, chore, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:
..... \$ 11,804,082
..... FTEs 28.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$418,700 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both

1 state and federal laws, rules, and regulations, including but
2 not limited to all of the following:

3 (1) Requiring that expenditures are incurred only for goods
4 or services received or performed prior to the end of the
5 fiscal period designated for use of the funds.

6 (2) Prohibiting prepayment for goods or services not
7 received or performed prior to the end of the fiscal period
8 designated for use of the funds.

9 (3) Prohibiting prepayment for goods or services not
10 defined specifically by good or service, time period, or
11 recipient.

12 (4) Prohibiting the establishment of accounts from which
13 future goods or services which are not defined specifically by
14 good or service, time period, or recipient, may be purchased.

15 b. The procedures shall provide that if any funds are
16 expended in a manner that is not in compliance with the
17 procedures and applicable federal and state laws, rules, and
18 regulations, and are subsequently subject to repayment, the
19 area agency on aging expending such funds in contravention of
20 such procedures, laws, rules and regulations, not the state,
21 shall be liable for such repayment.

22 4. Of the funds appropriated in this section, \$1,312,000
23 shall be used for the purposes of [chapter 231E](#) and to
24 administer the prevention of elder abuse, neglect, and
25 exploitation program pursuant to [section 231.56A](#), in accordance
26 with the requirements of the federal Older Americans Act of
27 1965, 42 U.S.C. §3001 et seq., as amended.

28 5. Of the funds appropriated in this section, \$1,000,000
29 shall be used to fund continuation of the aging and disability
30 resource center lifelong links to provide individuals and
31 caregivers with information and services to plan for and
32 maintain independence.

33 6. Of the funds appropriated in this section, \$850,000
34 shall be used by the department on aging, in collaboration with
35 the department of human services and affected stakeholders,

1 to continue to expand the pilot initiative to provide
2 long-term care options counseling utilizing support planning
3 protocols, to assist non-Medicaid eligible consumers who
4 indicate a preference to return to the community and are
5 deemed appropriate for discharge, to return to their community
6 following a nursing facility stay; and shall be used by the
7 department on aging to fund home and community-based services
8 to enable older individuals to avoid more costly utilization
9 of residential or institutional services and remain in their
10 homes. The department on aging shall submit a report regarding
11 the outcomes of the pilot initiative to the governor and the
12 general assembly by December 15, 2022.

13 DIVISION II

14 OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2022-2023

15 Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is
16 appropriated from the general fund of the state to the office
17 of long-term care ombudsman for the fiscal year beginning July
18 1, 2022, and ending June 30, 2023, the following amount, or
19 so much thereof as is necessary, to be used for the purposes
20 designated:

21 For salaries, support, administration, maintenance, and
22 miscellaneous purposes, and for not more than the following
23 full-time equivalent positions:

24	\$	1,449,821
25	FTEs	16.00

26 DIVISION III

27 DEPARTMENT OF PUBLIC HEALTH — FY 2022-2023

28 Sec. 3. DEPARTMENT OF PUBLIC HEALTH. There is appropriated
29 from the general fund of the state to the department of public
30 health for the fiscal year beginning July 1, 2022, and ending
31 June 30, 2023, the following amounts, or so much thereof as is
32 necessary, to be used for the purposes designated:

33 1. ADDICTIVE DISORDERS

34 For reducing the prevalence of the use of tobacco, alcohol,
35 and other drugs, and treating individuals affected by addictive

1 behaviors, including gambling, and for not more than the
2 following full-time equivalent positions:

3 \$ 23,659,379
4 FTEs 12.00

5 a. Of the funds appropriated in this subsection, \$4,020,894
6 shall be used for the tobacco use prevention and control
7 initiative, including efforts at the state and local levels,
8 as provided in [chapter 142A](#). The commission on tobacco use
9 prevention and control established pursuant to [section 142A.3](#)
10 shall advise the director of public health in prioritizing
11 funding needs and the allocation of moneys appropriated for
12 the programs and initiatives. Activities of the programs
13 and initiatives shall be in alignment with the United States
14 centers for disease control and prevention best practices
15 for comprehensive tobacco control programs that include
16 the goals of preventing youth initiation of tobacco usage,
17 reducing exposure to secondhand smoke, and promotion of tobacco
18 cessation.

19 b. (1) Of the funds appropriated in this subsection,
20 \$19,638,485 shall be used for problem gambling and
21 substance-related disorder prevention, treatment, and recovery
22 services, including a 24-hour helpline, public information
23 resources, professional training, youth prevention, and program
24 evaluation.

25 (2) Of the amount allocated under this paragraph, \$306,000
26 shall be utilized by the department of public health, in
27 collaboration with the department of human services, to
28 maintain a single statewide 24-hour crisis hotline for the Iowa
29 children's behavioral health system that incorporates warmlines
30 services which may be provided through expansion of existing
31 capabilities maintained by the department of public health as
32 required pursuant to [2018 Iowa Acts, chapter 1056, section 16](#).

33 c. The requirement of [section 123.17, subsection 5](#), is met
34 by the appropriations and allocations made in this division of
35 this Act for purposes of substance-related disorder treatment

1 and addictive disorders for the fiscal year beginning July 1,
2 2022.

3 2. HEALTHY CHILDREN AND FAMILIES

4 For promoting the optimum health status for children and
5 adolescents from birth through 21 years of age, and families,
6 and for not more than the following full-time equivalent
7 positions:

8	\$	5,816,681
9	FTEs	14.00

10 3. CHRONIC CONDITIONS

11 For serving individuals identified as having chronic
12 conditions or special health care needs, and for not more than
13 the following full-time equivalent positions:

14	\$	4,258,373
15	FTEs	10.00

16 4. COMMUNITY CAPACITY

17 For strengthening the health care delivery system at the
18 local level, and for not more than the following full-time
19 equivalent positions:

20	\$	6,519,306
21	FTEs	13.00

22 a. Of the funds appropriated in this subsection, \$2,100,000
23 shall be deposited in the medical residency training account
24 created in [section 135.175, subsection 5](#), paragraph "a", and
25 is appropriated from the account to the department of public
26 health to be used for the purposes of the medical residency
27 training state matching grants program as specified in section
28 135.176.

29 b. Of the funds appropriated in this subsection, \$800,000
30 shall be used for rural psychiatric residencies to support the
31 annual creation and training of six psychiatric residents who
32 will provide mental health services in underserved areas of
33 the state. Notwithstanding section 8.33, moneys that remain
34 unencumbered or unobligated at the close of the fiscal year
35 shall not revert but shall remain available for expenditure for

1 the purposes designated for subsequent fiscal years.

2 c. Of the funds appropriated in this subsection, \$425,000
3 shall be used for the creation or continuation of a center of
4 excellence program to encourage innovation and collaboration
5 among regional health care providers in a rural area based
6 upon the results of a regional community needs assessment to
7 transform health care delivery in order to provide quality,
8 sustainable care that meets the needs of the local communities.
9 An applicant for the funds shall specify how the funds will
10 be expended to accomplish the goals of the program and shall
11 provide a detailed five-year sustainability plan prior to
12 being awarded any funding. Following the receipt of funding,
13 a recipient shall submit periodic reports as specified by the
14 department to the governor and the general assembly regarding
15 the recipient's expenditure of the funds and progress in
16 accomplishing the program goals.

17 5. ESSENTIAL PUBLIC HEALTH SERVICES

18 To provide public health services that reduce risks and
19 invest in promoting and protecting good health over the
20 course of a lifetime with a priority given to older Iowans and
21 vulnerable populations:

22 \$ 7,662,464

23 6. INFECTIOUS DISEASES

24 For reducing the incidence and prevalence of communicable
25 diseases, and for not more than the following full-time
26 equivalent positions:

27 \$ 1,796,206

28 FTEs 6.00

29 7. PUBLIC PROTECTION

30 a. For protecting the health and safety of the public
31 through establishing standards and enforcing regulations, and
32 for not more than the following full-time equivalent positions:

33 \$ 4,466,601

34 FTEs 142.00

35 b. Of the funds appropriated in this subsection, not more

1 than \$304,000 shall be credited to the emergency medical
2 services fund created in section 135.25. Moneys in the
3 emergency medical services fund are appropriated to the
4 department to be used for the purposes of the fund.

5 8. RESOURCE MANAGEMENT

6 For establishing and sustaining the overall ability of the
7 department to deliver services to the public, and for not more
8 than the following full-time equivalent positions:

9	\$	933,871
10	FTEs	4.00

11 9. MISCELLANEOUS PROVISIONS

12 The university of Iowa hospitals and clinics under the
13 control of the state board of regents shall not receive
14 indirect costs from the funds appropriated in this section.
15 The university of Iowa hospitals and clinics billings to the
16 department shall be on at least a quarterly basis.

17 Sec. 4. DEPARTMENT OF PUBLIC HEALTH — SPORTS WAGERING
18 RECEIPTS FUND. There is appropriated from the sports wagering
19 receipts fund created in section 8.57, subsection 6, to the
20 department of public health for the fiscal year beginning July
21 1, 2022, and ending June 30, 2023, the following amount, or
22 so much thereof as is necessary, to be used for the purposes
23 designated:

24 For problem gambling and substance-related disorder
25 prevention, treatment, and recovery services, including a
26 24-hour helpline, public information resources, professional
27 training, youth prevention, and program evaluation:

28	\$	1,750,000
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29 DIVISION IV

30 DEPARTMENT OF VETERANS AFFAIRS — FY 2022-2023

31 Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is
32 appropriated from the general fund of the state to the
33 department of veterans affairs for the fiscal year beginning
34 July 1, 2022, and ending June 30, 2023, the following amounts,
35 or so much thereof as is necessary, to be used for the purposes

1 designated:

2 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

3 For salaries, support, maintenance, and miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:

6	\$	1,229,763
7	FTEs	15.00

8 2. IOWA VETERANS HOME

9 For salaries, support, maintenance, and miscellaneous
10 purposes:

11 \$ 7,131,552

12 a. The Iowa veterans home billings involving the department
13 of human services shall be submitted to the department on at
14 least a monthly basis.

15 b. The Iowa veterans home expenditure report shall be
16 submitted monthly to the general assembly.

17 c. The Iowa veterans home shall continue to include in the
18 annual discharge report applicant information to provide for
19 the collection of demographic information including but not
20 limited to the number of individuals applying for admission and
21 admitted or denied admittance and the basis for the admission
22 or denial; the age, gender, and race of such individuals;
23 and the level of care for which such individuals applied for
24 admission including residential or nursing level of care.

25 3. HOME OWNERSHIP ASSISTANCE PROGRAM

26 For transfer to the Iowa finance authority for the
27 continuation of the home ownership assistance program for
28 persons who are or were eligible members of the armed forces of
29 the United States, pursuant to [section 16.54](#):

30 \$ 2,000,000

31 Sec. 6. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS
32 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
33 appropriation in [section 35A.16](#) for the fiscal year beginning
34 July 1, 2022, and ending June 30, 2023, the amount appropriated
35 from the general fund of the state pursuant to that section

1 for the following designated purposes shall not exceed the
2 following amount:

3 For the county commissions of veteran affairs fund under
4 section 35A.16:

5 \$ 990,000

6 DIVISION V

7 DEPARTMENT OF HUMAN SERVICES — FY 2022-2023

8 Sec. 7. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

9 GRANT. There is appropriated from the fund created in section
10 8.41 to the department of human services for the fiscal year
11 beginning July 1, 2022, and ending June 30, 2023, from moneys
12 received under the federal temporary assistance for needy
13 families (TANF) block grant pursuant to the federal Personal
14 Responsibility and Work Opportunity Reconciliation Act of 1996,
15 Pub. L. No. 104-193, and successor legislation, the following
16 amounts, or so much thereof as is necessary, to be used for the
17 purposes designated:

18 1. To be credited to the family investment program account
19 and used for assistance under the family investment program
20 under [chapter 239B](#):

21 \$ 5,002,006

22 2. To be credited to the family investment program account
23 and used for the job opportunities and basic skills (JOBS)
24 program and implementing family investment agreements in
25 accordance with [chapter 239B](#):

26 \$ 5,412,060

27 3. To be used for the family development and
28 self-sufficiency grant program in accordance with section
29 216A.107:

30 \$ 2,888,980

31 Notwithstanding [section 8.33](#), moneys appropriated in this
32 subsection that remain unencumbered or unobligated at the close
33 of the fiscal year shall not revert but shall remain available
34 for expenditure for the purposes designated until the close of
35 the succeeding fiscal year. However, unless such moneys are

1 encumbered or obligated on or before September 30, 2023, the
2 moneys shall revert.

3 4. For field operations:

4 \$ 31,296,232

5 5. For general administration:

6 \$ 3,744,000

7 6. For state child care assistance:

8 \$ 47,166,826

9 a. Of the funds appropriated in this subsection,
10 \$26,205,412 is transferred to the child care and development
11 block grant appropriation made by the Eighty-ninth General
12 Assembly, 2022 session, for the federal fiscal year beginning
13 October 1, 2022, and ending September 30, 2023. Of this
14 amount, \$200,000 shall be used for provision of educational
15 opportunities to registered child care home providers in order
16 to improve services and programs offered by this category
17 of providers and to increase the number of providers. The
18 department may contract with institutions of higher education
19 or child care resource and referral centers to provide
20 the educational opportunities. Allowable administrative
21 costs under the contracts shall not exceed 5 percent. The
22 application for a grant shall not exceed two pages in length.

23 b. Any funds appropriated in this subsection remaining
24 unallocated shall be used for state child care assistance
25 payments for families who are employed including but not
26 limited to individuals enrolled in the family investment
27 program.

28 7. For child and family services:

29 \$ 32,380,654

30 8. For child abuse prevention grants:

31 \$ 125,000

32 9. For pregnancy prevention grants on the condition that
33 family planning services are funded:

34 \$ 1,913,203

35 Pregnancy prevention grants shall be awarded to programs

1 in existence on or before July 1, 2022, if the programs have
2 demonstrated positive outcomes. Grants shall be awarded to
3 pregnancy prevention programs which are developed after July
4 1, 2022, if the programs are based on existing models that
5 have demonstrated positive outcomes. Grants shall comply with
6 the requirements provided in 1997 Iowa Acts, chapter 208,
7 section 14, subsections 1 and 2, including the requirement that
8 grant programs must emphasize sexual abstinence. Priority in
9 the awarding of grants shall be given to programs that serve
10 areas of the state which demonstrate the highest percentage of
11 unplanned pregnancies of females of childbearing age within the
12 geographic area to be served by the grant.

13 10. For technology needs and other resources necessary to
14 meet federal and state reporting, tracking, and case management
15 requirements and other departmental needs:

16 \$ 1,037,186

17 11. a. Notwithstanding any provision to the contrary,
18 including but not limited to requirements in [section 8.41](#) or
19 provisions in 2021 Iowa Acts or 2022 Iowa Acts regarding the
20 receipt and appropriation of federal block grants, federal
21 funds from the temporary assistance for needy families block
22 grant received by the state and not otherwise appropriated
23 in this section and remaining available for the fiscal year
24 beginning July 1, 2022, are appropriated to the department of
25 human services to the extent as may be necessary to be used in
26 the following priority order: the family investment program,
27 for state child care assistance program payments for families
28 who are employed, and for the family investment program share
29 of system costs for eligibility determination and related
30 functions. The federal funds appropriated in this paragraph
31 "a" shall be expended only after all other funds appropriated
32 in subsection 1 for assistance under the family investment
33 program, in subsection 6 for state child care assistance, or
34 in subsection 10 for technology needs and other resources
35 necessary to meet departmental needs, as applicable, have been

1 expended. For the purposes of this subsection, the funds
2 appropriated in subsection 6, paragraph "a", for transfer
3 to the child care and development block grant appropriation
4 are considered fully expended when the full amount has been
5 transferred.

6 b. The department shall, on a quarterly basis, advise the
7 general assembly and department of management of the amount of
8 funds appropriated in this subsection that was expended in the
9 prior quarter.

10 12. Of the amounts appropriated in this section,
11 \$12,962,008 for the fiscal year beginning July 1, 2022, is
12 transferred to the appropriation of the federal social services
13 block grant made to the department of human services for that
14 fiscal year.

15 13. For continuation of the program providing categorical
16 eligibility for the supplemental nutrition assistance program
17 (SNAP) as specified for the program in the section of this
18 division of this Act relating to the family investment program
19 account:

20 \$ 14,236

21 14. The department may transfer funds allocated in this
22 section to the appropriations made in this division of this Act
23 for the same fiscal year for general administration and field
24 operations for resources necessary to implement and operate the
25 services referred to in this section and those funded in the
26 appropriation made in this division of this Act for the same
27 fiscal year for the family investment program from the general
28 fund of the state.

29 15. With the exception of moneys allocated under this
30 section for the family development and self-sufficiency grant
31 program, to the extent moneys allocated in this section are
32 deemed by the department not to be necessary to support the
33 purposes for which they are allocated, such moneys may be used
34 in the same fiscal year for any other purpose for which funds
35 are allocated in this section or in section 8 of this division

1 of this Act for the family investment program account. If
2 there are conflicting needs, priority shall first be given
3 to the family investment program account as specified under
4 subsection 1 of this section and used for the purposes of
5 assistance under the family investment program in accordance
6 with [chapter 239B](#), followed by state child care assistance
7 program payments for families who are employed, followed by
8 other priorities as specified by the department.

9 Sec. 8. FAMILY INVESTMENT PROGRAM ACCOUNT.

10 1. Moneys credited to the family investment program (FIP)
11 account for the fiscal year beginning July 1, 2022, and
12 ending June 30, 2023, shall be used to provide assistance in
13 accordance with [chapter 239B](#).

14 2. The department may use a portion of the moneys credited
15 to the FIP account under this section as necessary for
16 salaries, support, maintenance, and miscellaneous purposes,
17 including administrative and information technology costs
18 associated with rent reimbursement and other income assistance
19 programs administered by the department.

20 3. The department may transfer funds allocated in
21 subsection 4, excluding the allocation under subsection 4,
22 paragraph "b", to the appropriations made in this division of
23 this Act for the same fiscal year for general administration
24 and field operations for resources necessary to implement
25 and operate the services referred to in this section and
26 those funded in the appropriations made in section 7 for the
27 temporary assistance for needy families block grant and in
28 section 9 for the family investment program from the general
29 fund of the state in this division of this Act for the same
30 fiscal year.

31 4. Moneys appropriated in this division of this Act and
32 credited to the FIP account for the fiscal year beginning July
33 1, 2022, and ending June 30, 2023, are allocated as follows:

34 a. To be retained by the department of human services to
35 be used for coordinating with the department of human rights

1 to more effectively serve participants in FIP and other shared
2 clients and to meet federal reporting requirements under the
3 federal temporary assistance for needy families block grant:
4 \$ 10,000

5 b. To the department of human rights for staffing,
6 administration, and implementation of the family development
7 and self-sufficiency grant program in accordance with section
8 216A.107:
9 \$ 7,192,834

10 (1) Of the funds allocated for the family development
11 and self-sufficiency grant program in this paragraph "b",
12 not more than 5 percent of the funds shall be used for the
13 administration of the grant program.

14 (2) The department of human rights may continue to implement
15 the family development and self-sufficiency grant program
16 statewide during fiscal year 2022-2023.

17 (3) The department of human rights may engage in activities
18 to strengthen and improve family outcomes measures and
19 data collection systems under the family development and
20 self-sufficiency grant program.

21 c. For the diversion subaccount of the FIP account:
22 \$ 1,293,000

23 A portion of the moneys allocated for the diversion
24 subaccount may be used for field operations, salaries, data
25 management system development, and implementation costs and
26 support deemed necessary by the director of human services
27 in order to administer the FIP diversion program. To the
28 extent moneys allocated in this paragraph "c" are deemed by the
29 department not to be necessary to support diversion activities,
30 such moneys may be used for other efforts intended to increase
31 engagement by family investment program participants in work,
32 education, or training activities, or for the purposes of
33 assistance under the family investment program in accordance
34 with [chapter 239B](#).

35 d. For the SNAP employment and training program:

1 \$ 66,588

2 (1) The department shall apply the federal SNAP employment
3 and training state plan in order to maximize to the fullest
4 extent permitted by federal law the use of the 50 percent
5 federal reimbursement provisions for the claiming of allowable
6 federal reimbursement funds from the United States department
7 of agriculture pursuant to the federal SNAP employment and
8 training program for providing education, employment, and
9 training services for eligible SNAP participants, including
10 but not limited to related dependent care and transportation
11 expenses.

12 (2) The department shall continue the categorical
13 federal SNAP eligibility at 160 percent of the federal
14 poverty level and continue to eliminate the asset test from
15 eligibility requirements, consistent with federal SNAP program
16 requirements. The department shall include as many SNAP
17 households as is allowed by federal law. The eligibility
18 provisions shall conform to all federal requirements including
19 requirements addressing individuals who are disqualified for
20 committing an intentional program violation or are otherwise
21 ineligible.

22 e. For the JOBS program, not more than:

23 \$ 12,018,258

24 5. Of the child support collections assigned under FIP,
25 an amount equal to the federal share of support collections
26 shall be credited to the child support recovery appropriation
27 made in this division of this Act. Of the remainder of the
28 assigned child support collections received by the child
29 support recovery unit, a portion shall be credited to the FIP
30 account, a portion may be used to increase recoveries, and a
31 portion may be used to sustain cash flow in the child support
32 payments account. If as a consequence of the appropriations
33 and allocations made in this section the resulting amounts
34 are insufficient to sustain cash assistance payments and meet
35 federal maintenance of effort requirements, the department

1 shall seek supplemental funding. If child support collections
2 assigned under FIP are greater than estimated or are otherwise
3 determined not to be required for maintenance of effort, the
4 state share of either amount may be transferred to or retained
5 in the child support payments account.

6 Sec. 9. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
7 is appropriated from the general fund of the state to the
8 department of human services for the fiscal year beginning July
9 1, 2022, and ending June 30, 2023, the following amount, or
10 so much thereof as is necessary, to be used for the purpose
11 designated:

12 To be credited to the family investment program (FIP)
13 account and used for family investment program assistance
14 under [chapter 239B](#) and other costs associated with providing
15 needs-based benefits or assistance:

16 \$ 41,003,978

17 1. Of the funds appropriated in this section, \$6,606,198 is
18 allocated for the JOBS program.

19 2. Of the funds appropriated in this section, \$4,313,854 is
20 allocated for the family development and self-sufficiency grant
21 program.

22 3. a. Notwithstanding [section 8.39](#), for the fiscal
23 year beginning July 1, 2022, if necessary to meet federal
24 maintenance of effort requirements or to transfer federal
25 temporary assistance for needy families block grant funding
26 to be used for purposes of the federal social services block
27 grant or to meet cash flow needs resulting from delays in
28 receiving federal funding or to implement, in accordance with
29 this division of this Act, activities currently funded with
30 juvenile court services, county, or community moneys and state
31 moneys used in combination with such moneys; to comply with
32 federal requirements; or to maximize the use of federal funds;
33 the department of human services may transfer funds within or
34 between any of the appropriations made in this division of this
35 Act and appropriations in law for the federal social services

1 block grant to the department for the following purposes,
2 provided that the combined amount of state and federal
3 temporary assistance for needy families block grant funding
4 for each appropriation remains the same before and after the
5 transfer:

- 6 (1) For the family investment program.
- 7 (2) For state child care assistance.
- 8 (3) For child and family services.
- 9 (4) For field operations.
- 10 (5) For general administration.

11 b. This subsection shall not be construed to prohibit the
12 use of existing state transfer authority for other purposes.
13 The department shall report any transfers made pursuant to this
14 subsection to the general assembly.

15 4. Of the funds appropriated in this section, \$195,000
16 shall be used for a contract for tax preparation assistance
17 to low-income Iowans to expand the usage of the earned income
18 tax credit. The purpose of the contract is to supply this
19 assistance to underserved areas of the state. The department
20 shall not retain any portion of the allocation under this
21 subsection for administrative costs.

22 5. Of the funds appropriated in this section, \$70,000 shall
23 be used for the continuation of the parenting program, as
24 specified in [441 IAC ch. 100](#), relating to parental obligations,
25 in which the child support recovery unit participates, to
26 support the efforts of a nonprofit organization committed to
27 strengthening the community through youth development, healthy
28 living, and social responsibility headquartered in a county
29 with a population over 450,000 according to the 2020 certified
30 federal census. The funds allocated in this subsection shall
31 be used by the recipient organization to develop a larger
32 community effort, through public and private partnerships, to
33 support a broad-based multi-county parenthood initiative that
34 promotes payment of child support obligations, improved family
35 relationships, and full-time employment.

1 6. The department may transfer funds appropriated in this
2 section, excluding the allocation in subsection 2 for the
3 family development and self-sufficiency grant program, to the
4 appropriations made in this division of this Act for general
5 administration and field operations as necessary to administer
6 this section, section 7 for the temporary assistance for needy
7 families block grant, and section 8 for the family investment
8 program account.

9 Sec. 10. CHILD SUPPORT RECOVERY. There is appropriated
10 from the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 2022, and ending
12 June 30, 2023, the following amount, or so much thereof as is
13 necessary, to be used for the purposes designated:

14 For child support recovery, including salaries, support,
15 maintenance, and miscellaneous purposes, and for not more than
16 the following full-time equivalent positions:

17	\$ 15,942,885
18	FTEs 459.00

19 1. The department shall expend up to \$24,000, including
20 federal financial participation, for the fiscal year beginning
21 July 1, 2022, for a child support public awareness campaign.
22 The department and the office of the attorney general shall
23 cooperate in continuation of the campaign. The public
24 awareness campaign shall emphasize, through a variety of
25 media activities, the importance of maximum involvement of
26 both parents in the lives of their children as well as the
27 importance of payment of child support obligations.

28 2. Federal access and visitation grant moneys shall be
29 issued directly to private not-for-profit agencies that provide
30 services designed to increase compliance with the child access
31 provisions of court orders, including but not limited to
32 neutral visitation sites and mediation services.

33 3. The appropriation made to the department for child
34 support recovery may be used throughout the fiscal year in the
35 manner necessary for purposes of cash flow management, and for

1 cash flow management purposes the department may temporarily
2 draw more than the amount appropriated, provided the amount
3 appropriated is not exceeded at the close of the fiscal year.

4 Sec. 11. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE —
5 FY 2022-2023. Any funds remaining in the health care trust
6 fund created in [section 453A.35A](#) for the fiscal year beginning
7 July 1, 2022, and ending June 30, 2023, are appropriated to
8 the department of human services to supplement the medical
9 assistance program appropriations made in this division of this
10 Act, for medical assistance reimbursement and associated costs,
11 including program administration and costs associated with
12 program implementation.

13 Sec. 12. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY
14 2022-2023. Any funds remaining in the Medicaid fraud fund
15 created in [section 249A.50](#) for the fiscal year beginning
16 July 1, 2022, and ending June 30, 2023, are appropriated to
17 the department of human services to supplement the medical
18 assistance appropriations made in this division of this Act,
19 for medical assistance reimbursement and associated costs,
20 including program administration and costs associated with
21 program implementation.

22 Sec. 13. MEDICAL ASSISTANCE. There is appropriated from the
23 general fund of the state to the department of human services
24 for the fiscal year beginning July 1, 2022, and ending June 30,
25 2023, the following amount, or so much thereof as is necessary,
26 to be used for the purpose designated:

27 For medical assistance program reimbursement and associated
28 costs as specifically provided in the reimbursement
29 methodologies in effect on June 30, 2022, except as otherwise
30 expressly authorized by law, consistent with options under
31 federal law and regulations, and contingent upon receipt of
32 approval from the office of the governor of reimbursement for
33 each abortion performed under the program:

34 \$ 1,539,659,031

35 1. Iowans support reducing the number of abortions

1 performed in our state. Funds appropriated under this section
2 shall not be used for abortions, unless otherwise authorized
3 under this section.

4 2. The provisions of this section relating to abortions
5 shall also apply to the Iowa health and wellness plan created
6 pursuant to [chapter 249N](#).

7 3. The department shall utilize not more than \$60,000 of
8 the funds appropriated in this section to continue the AIDS/HIV
9 health insurance premium payment program as established in 1992
10 Iowa Acts, Second Extraordinary Session, chapter 1001, section
11 409, subsection 6. Of the funds allocated in this subsection,
12 not more than \$5,000 may be expended for administrative
13 purposes.

14 4. Of the funds appropriated in this Act to the department
15 of public health for addictive disorders, \$950,000 for
16 the fiscal year beginning July 1, 2022, is transferred
17 to the department of human services for an integrated
18 substance-related disorder managed care system. The
19 departments of human services and public health shall
20 work together to maintain the level of mental health and
21 substance-related disorder treatment services provided by the
22 managed care contractors. Each department shall take the steps
23 necessary to continue the federal waivers as necessary to
24 maintain the level of services.

25 5. The department shall aggressively pursue options for
26 providing medical assistance or other assistance to individuals
27 with special needs who become ineligible to continue receiving
28 services under the early and periodic screening, diagnostic,
29 and treatment program under the medical assistance program
30 due to becoming 21 years of age who have been approved for
31 additional assistance through the department's exception to
32 policy provisions, but who have health care needs in excess
33 of the funding available through the exception to policy
34 provisions.

35 6. Of the funds appropriated in this section, up to

1 \$3,050,082 may be transferred to the field operations or
2 general administration appropriations in this division of this
3 Act for operational costs associated with Part D of the federal
4 Medicare Prescription Drug Improvement and Modernization Act
5 of 2003, Pub. L. No. 108-173.

6 7. Of the funds appropriated in this section, up to \$442,100
7 may be transferred to the appropriation in this division of
8 this Act for health program operations to be used for clinical
9 assessment services and prior authorization of services.

10 8. A portion of the funds appropriated in this section may
11 be transferred to the appropriations in this division of this
12 Act for general administration, health program operations, the
13 children's health insurance program, or field operations to be
14 used for the state match cost to comply with the payment error
15 rate measurement (PERM) program for both the medical assistance
16 and children's health insurance programs as developed by the
17 centers for Medicare and Medicaid services of the United States
18 department of health and human services to comply with the
19 federal Improper Payments Information Act of 2002, Pub. L.
20 No. 107-300, and to support other reviews and quality control
21 activities to improve the integrity of these programs.

22 9. Of the funds appropriated in this section, a sufficient
23 amount is allocated to supplement the incomes of residents of
24 nursing facilities, intermediate care facilities for persons
25 with mental illness, and intermediate care facilities for
26 persons with an intellectual disability, with incomes of less
27 than \$50 in the amount necessary for the residents to receive a
28 personal needs allowance of \$50 per month pursuant to section
29 249A.30A.

30 10. One hundred percent of the nonfederal share of payments
31 to area education agencies that are medical assistance
32 providers for medical assistance-covered services provided to
33 medical assistance-covered children, shall be made from the
34 appropriation made in this section.

35 11. A portion of the funds appropriated in this section may

1 be transferred to the appropriation in this division of this
2 Act for health program operations to be used for administrative
3 activities associated with the money follows the person
4 demonstration project.

5 12. Of the funds appropriated in this section, \$349,011
6 shall be used for the administration of the health insurance
7 premium payment program, including salaries, support,
8 maintenance, and miscellaneous purposes.

9 13. a. The department may increase the amounts allocated
10 for salaries, support, maintenance, and miscellaneous purposes
11 associated with the medical assistance program, as necessary,
12 to sustain cost management efforts. The department shall
13 report any such increase to the general assembly and the
14 department of management.

15 b. If the savings to the medical assistance program from
16 ongoing cost management efforts exceed the associated cost
17 for the fiscal year beginning July 1, 2022, the department
18 may transfer any savings generated for the fiscal year due
19 to medical assistance program cost management efforts to the
20 appropriation made in this division of this Act for health
21 program operations or general administration to defray the
22 costs associated with implementing the efforts.

23 14. For the fiscal year beginning July 1, 2022, and ending
24 June 30, 2023, the replacement generation tax revenues required
25 to be deposited in the property tax relief fund pursuant to
26 section 437A.8, subsection 4, paragraph "d", and section
27 437A.15, subsection 3, paragraph "f", shall instead be credited
28 to and supplement the appropriation made in this section and
29 used for the allocations made in this section.

30 15. a. Of the funds appropriated in this section, up
31 to \$50,000 may be transferred by the department to the
32 appropriation made in this division of this Act to the
33 department for the same fiscal year for general administration
34 to be used for associated administrative expenses and for not
35 more than 1.00 full-time equivalent position, in addition to

1 those authorized for the same fiscal year, to be assigned to
2 implementing the children's mental health home project.

3 b. Of the funds appropriated in this section, up to \$400,000
4 may be transferred by the department to the appropriation made
5 to the department in this division of this Act for the same
6 fiscal year for Medicaid program-related general administration
7 planning and implementation activities. The funds may be used
8 for contracts or for personnel in addition to the amounts
9 appropriated for and the positions authorized for general
10 administration for the fiscal year.

11 c. Of the funds appropriated in this section, up to
12 \$3,000,000 may be transferred by the department to the
13 appropriations made in this division of this Act for the
14 same fiscal year for general administration or health
15 program operations to be used to support the development
16 and implementation of standardized assessment tools for
17 persons with mental illness, an intellectual disability, a
18 developmental disability, or a brain injury.

19 16. Of the funds appropriated in this section, \$150,000
20 shall be used for lodging expenses associated with care
21 provided at the university of Iowa hospitals and clinics for
22 patients with cancer whose travel distance is 30 miles or more
23 and whose income is at or below 200 percent of the federal
24 poverty level as defined by the most recently revised poverty
25 income guidelines published by the United States department of
26 health and human services. The department of human services
27 shall establish the maximum number of overnight stays and the
28 maximum rate reimbursed for overnight lodging, which may be
29 based on the state employee rate established by the department
30 of administrative services. The funds allocated in this
31 subsection shall not be used as nonfederal share matching
32 funds.

33 17. Of the funds appropriated in this section, up to
34 \$3,383,880 shall be used for administration of the state family
35 planning services program pursuant to [section 217.41B](#), and

1 of this amount, the department may use up to \$200,000 for
2 administrative expenses.

3 18. Of the funds appropriated in this section, \$1,545,530
4 shall be used and may be transferred to other appropriations
5 in this division of this Act as necessary to administer the
6 provisions in the division of this Act relating to Medicaid
7 program administration.

8 19. The department shall comply with the centers for
9 Medicare and Medicaid services' guidance related to Medicaid
10 program and children's health insurance program maintenance
11 of effort provisions, including eligibility standards,
12 methodologies, procedures, and continuous enrollment, to
13 receive the enhanced federal medical assistance percentage
14 under section 6008(b) of the federal Families First Coronavirus
15 Response Act, Pub. L. No. 116-127. The department shall
16 utilize and implement all tools, processes, and resources
17 available to expediently return to normal eligibility and
18 enrollment operations in compliance with federal guidance and
19 expectations.

20 20. A portion of the funds appropriated in this section
21 may be transferred to the appropriation made in this division
22 of this Act for the children's health insurance program,
23 if the children's health insurance program appropriation
24 is insufficient to cover the designated purposes of that
25 appropriation.

26 21. No later than January 1, 2023, the department of
27 human services shall implement a tiered rate reimbursement
28 methodology for psychiatric intensive inpatient care under the
29 Medicaid program based on the level of patient acuity and other
30 factors as recommended in the inpatient bed tracking study
31 committee report submitted to the governor and the general
32 assembly on December 1, 2021.

33 22. The department of human services shall submit a Medicaid
34 state plan amendment to the centers for Medicare and Medicaid
35 services to request the addition of functional family therapy

1 and multisystemic therapy for youth as covered services under
2 the Medicaid program. The department shall include functional
3 family therapy and multisystemic therapy under the Medicaid
4 program as covered services upon receipt of federal approval.

5 23. Of the funds appropriated in this section, \$7,400,000
6 shall be used to implement reductions in the waiting list for
7 the home and community-based services waiver for persons with
8 an intellectual disability.

9 Sec. 14. HEALTH PROGRAM OPERATIONS. There is appropriated
10 from the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 2022, and ending
12 June 30, 2023, the following amount, or so much thereof as is
13 necessary, to be used for the purpose designated:

14 For health program operations:

15 \$ 17,446,343

16 1. The department of inspections and appeals shall
17 provide all state matching funds for survey and certification
18 activities performed by the department of inspections
19 and appeals. The department of human services is solely
20 responsible for distributing the federal matching funds for
21 such activities.

22 2. Of the funds appropriated in this section, \$50,000 shall
23 be used for continuation of home and community-based services
24 waiver quality assurance programs, including the review and
25 streamlining of processes and policies related to oversight and
26 quality management to meet state and federal requirements.

27 3. Of the amount appropriated in this section, up to
28 \$200,000 may be transferred to the appropriation for general
29 administration in this division of this Act to be used for
30 additional full-time equivalent positions in the development
31 of key health initiatives such as development and oversight
32 of managed care programs and development of health strategies
33 targeted toward improved quality and reduced costs in the
34 Medicaid program.

35 4. Of the funds appropriated in this section, \$1,000,000

1 shall be used for planning and development, in cooperation with
2 the department of public health, of a phased-in program to
3 provide a dental home for children.

4 5. a. Of the funds appropriated in this section, \$188,000
5 shall be credited to the autism support program fund created
6 in [section 225D.2](#) to be used for the autism support program
7 created in [chapter 225D](#), with the exception of the following
8 amount of this allocation which shall be used as follows:

9 b. Of the funds allocated in this subsection, \$25,000 shall
10 be used for the public purpose of continuation of a grant to
11 a nonprofit provider of child welfare services that has been
12 in existence for more than 115 years, is located in a county
13 with a population between 220,000 and 250,000 according to the
14 2020 federal decennial census, is licensed as a psychiatric
15 medical institution for children, and provides school-based
16 programming, to be used for support services for children with
17 autism spectrum disorder and their families.

18 Sec. 15. STATE SUPPLEMENTARY ASSISTANCE.

19 1. There is appropriated from the general fund of the
20 state to the department of human services for the fiscal year
21 beginning July 1, 2022, and ending June 30, 2023, the following
22 amount, or so much thereof as is necessary, to be used for the
23 purpose designated:

24 For the state supplementary assistance program:
25 \$ 7,349,002

26 2. The department shall increase the personal needs
27 allowance for residents of residential care facilities by the
28 same percentage and at the same time as federal supplemental
29 security income and federal social security benefits are
30 increased due to a recognized increase in the cost of living.
31 The department may adopt emergency rules to implement this
32 subsection.

33 3. If during the fiscal year beginning July 1, 2022,
34 the department projects that state supplementary assistance
35 expenditures for a calendar year will not meet the federal

1 pass-through requirement specified in Tit. XVI of the federal
2 Social Security Act, section 1618, as codified in 42 U.S.C.
3 §1382g, the department may take actions including but not
4 limited to increasing the personal needs allowance for
5 residential care facility residents and making programmatic
6 adjustments or upward adjustments of the residential care
7 facility or in-home health-related care reimbursement rates
8 prescribed in this division of this Act to ensure that federal
9 requirements are met. In addition, the department may make
10 other programmatic and rate adjustments necessary to remain
11 within the amount appropriated in this section while ensuring
12 compliance with federal requirements. The department may adopt
13 emergency rules to implement the provisions of this subsection.

14 4. Notwithstanding [section 8.33](#), moneys appropriated
15 in this section that remain unencumbered or unobligated
16 at the close of the fiscal year shall not revert but
17 shall remain available for expenditure for the purposes
18 designated, including for liability amounts associated with the
19 supplemental nutrition assistance program payment error rate,
20 until the close of the succeeding fiscal year.

21 Sec. 16. CHILDREN’S HEALTH INSURANCE PROGRAM.

22 1. There is appropriated from the general fund of the
23 state to the department of human services for the fiscal year
24 beginning July 1, 2022, and ending June 30, 2023, the following
25 amount, or so much thereof as is necessary, to be used for the
26 purpose designated:

27 For maintenance of the healthy and well kids in Iowa (hawk-i)
28 program pursuant to [chapter 514I](#), including supplemental dental
29 services, for receipt of federal financial participation under
30 Tit. XXI of the federal Social Security Act, which creates the
31 children’s health insurance program:

32 \$ 38,661,688

33 2. Of the funds appropriated in this section, \$158,850 is
34 allocated for continuation of the contract for outreach with
35 the department of public health.

1 3. A portion of the funds appropriated in this section may
2 be transferred to the appropriations made in this division of
3 this Act for field operations or health program operations to
4 be used for the integration of hawk-i program eligibility,
5 payment, and administrative functions under the purview of
6 the department of human services, including for the Medicaid
7 management information system upgrade.

8 Sec. 17. CHILD CARE ASSISTANCE. There is appropriated
9 from the general fund of the state to the department of human
10 services for the fiscal year beginning July 1, 2022, and ending
11 June 30, 2023, the following amount, or so much thereof as is
12 necessary, to be used for the purpose designated:

13 For child care programs:

14 \$ 40,816,931

15 1. Of the funds appropriated in this section, \$34,966,931
16 shall be used for state child care assistance in accordance
17 with [section 237A.13](#).

18 2. Nothing in this section shall be construed or is
19 intended as or shall imply a grant of entitlement for services
20 to persons who are eligible for assistance due to an income
21 level consistent with the waiting list requirements of section
22 237A.13. Any state obligation to provide services pursuant to
23 this section is limited to the extent of the funds appropriated
24 in this section.

25 3. A list of the registered and licensed child care
26 facilities operating in the area served by a child care
27 resource and referral service shall be made available to the
28 families receiving state child care assistance in that area.

29 4. Of the funds appropriated in this section, \$5,850,000
30 shall be credited to the early childhood programs grants
31 account in the early childhood Iowa fund created in section
32 256I.11. The moneys shall be distributed for funding of
33 community-based early childhood programs targeted to children
34 from birth through five years of age developed by early
35 childhood Iowa areas in accordance with approved community

1 plans as provided in [section 256I.8](#).

2 5. The department may use any of the funds appropriated
3 in this section as a match to obtain federal funds for use in
4 expanding child care assistance and related programs. For
5 the purpose of expenditures of state and federal child care
6 funding, funds shall be considered obligated at the time
7 expenditures are projected or are allocated to the department's
8 service areas. Projections shall be based on current and
9 projected caseload growth, current and projected provider
10 rates, staffing requirements for eligibility determination
11 and management of program requirements including data systems
12 management, staffing requirements for administration of the
13 program, contractual and grant obligations and any transfers
14 to other state agencies, and obligations for decategorization
15 or innovation projects.

16 6. A portion of the state match for the federal child care
17 and development block grant shall be provided as necessary to
18 meet federal matching funds requirements through the state
19 general fund appropriation made for child development grants
20 and other programs for at-risk children in [section 279.51](#).

21 7. If a uniform reduction ordered by the governor under
22 section 8.31 or other operation of law, transfer, or federal
23 funding reduction reduces the appropriation made in this
24 section for the fiscal year, the percentage reduction in the
25 amount paid out to or on behalf of the families participating
26 in the state child care assistance program shall be equal to or
27 less than the percentage reduction made for any other purpose
28 payable from the appropriation made in this section and the
29 federal funding relating to it. The percentage reduction to
30 the other allocations made in this section shall be the same as
31 the uniform reduction ordered by the governor or the percentage
32 change of the federal funding reduction, as applicable. If
33 there is an unanticipated increase in federal funding provided
34 for state child care services, the entire amount of the
35 increase, except as necessary to meet federal requirements

1 including quality set asides, shall be used for state child
2 care assistance payments. If the appropriations made for
3 purposes of the state child care assistance program for the
4 fiscal year are determined to be insufficient, it is the intent
5 of the general assembly to appropriate sufficient funding for
6 the fiscal year in order to avoid establishment of waiting list
7 requirements.

8 8. Notwithstanding section 8.33, moneys advanced for
9 purposes of the programs developed by early childhood Iowa
10 areas, advanced for purposes of wraparound child care, or
11 received from the federal appropriations made for the purposes
12 of this section that remain unencumbered or unobligated at the
13 close of the fiscal year shall not revert to any fund but shall
14 remain available for expenditure for the purposes designated
15 until the close of the succeeding fiscal year.

16 Sec. 18. JUVENILE INSTITUTION. There is appropriated
17 from the general fund of the state to the department of human
18 services for the fiscal year beginning July 1, 2022, and ending
19 June 30, 2023, the following amounts, or so much thereof as is
20 necessary, to be used for the purposes designated:

21 1. a. For operation of the state training school at Eldora
22 and for salaries, support, maintenance, and miscellaneous
23 purposes, and for not more than the following full-time
24 equivalent positions:

25 \$ 17,606,871
26 FTEs 207.00

27 b. Of the funds appropriated in this subsection, \$91,000
28 shall be used for distribution to licensed classroom teachers
29 at this and other institutions under the control of the
30 department of human services based upon the average student
31 yearly enrollment at each institution as determined by the
32 department.

33 2. A portion of the moneys appropriated in this section
34 shall be used by the state training school at Eldora for
35 grants for adolescent pregnancy prevention activities at the

1 institution in the fiscal year beginning July 1, 2022.

2 3. Of the funds appropriated in this subsection, \$212,000
3 shall be used by the state training school at Eldora for a
4 substance use disorder treatment program at the institution for
5 the fiscal year beginning July 1, 2022.

6 4. Notwithstanding [section 8.33](#), moneys appropriated in
7 this section that remain unencumbered or unobligated at the
8 close of the fiscal year shall not revert but shall remain
9 available for expenditure for the purposes designated until the
10 close of the succeeding fiscal year.

11 Sec. 19. CHILD AND FAMILY SERVICES.

12 1. There is appropriated from the general fund of the
13 state to the department of human services for the fiscal year
14 beginning July 1, 2022, and ending June 30, 2023, the following
15 amount, or so much thereof as is necessary, to be used for the
16 purpose designated:

17 For child and family services:

18 \$ 93,571,677

19 2. The department may transfer funds appropriated in this
20 section as necessary to pay the nonfederal costs of services
21 reimbursed under the medical assistance program, state child
22 care assistance program, or the family investment program which
23 are provided to children who would otherwise receive services
24 paid under the appropriation in this section. The department
25 may transfer funds appropriated in this section to the
26 appropriations made in this division of this Act for general
27 administration and for field operations for resources necessary
28 to implement and operate the services funded in this section.

29 3. a. (1) Of the funds appropriated in this section, up to
30 \$40,500,000 is allocated as the statewide expenditure target
31 under [section 232.143](#) for group foster care maintenance and
32 services. If the department projects that such expenditures
33 for the fiscal year will be less than the target amount
34 allocated in this paragraph "a", the department may reallocate
35 the excess to provide additional funding for family foster

1 care, supervised apartment living, family-centered services,
2 shelter care, or the child welfare emergency services addressed
3 with the allocation for shelter care.

4 (2) If 2022 Iowa Acts, House File 2507, amending section
5 232.143, is enacted, notwithstanding subparagraph (1), of
6 the funds appropriated in this section, up to \$40,500,000 is
7 allocated for group foster care maintenance and services to
8 be expended in accordance with the applicable provisions of
9 2022 Iowa Acts, House File 2507. If the department projects
10 that such expenditures for the fiscal year will be less than
11 the target amount in this paragraph "a", the department may
12 reallocate the excess to provide additional funding for family
13 foster care, supervised apartment living, family-centered
14 services, shelter care, or the child welfare emergency services
15 addresses with the allocation for shelter care.

16 b. Unless 2022 Iowa Acts, House File 2507, is enacted,
17 if at any time after September 30, 2022, annualization of a
18 service area's current expenditures indicates a service area
19 is at risk of exceeding its group foster care expenditure
20 target under [section 232.143](#) by more than 5 percent, the
21 department and juvenile court services shall examine all
22 group foster care placements in that service area in order to
23 identify those which might be appropriate for termination.
24 In addition, any aftercare services believed to be needed
25 for the children whose placements may be terminated shall be
26 identified. The department and juvenile court services shall
27 initiate action to set dispositional review hearings for the
28 placements identified. In such a dispositional review hearing,
29 the juvenile court shall determine whether needed aftercare
30 services are available and whether termination of the placement
31 is in the best interest of the child and the community. If
32 2022 Iowa Acts, House File 2507, is enacted, the applicable
33 provisions of House File 2507 shall supersede the provisions
34 of this paragraph "b".

35 4. In accordance with the provisions of [section 232.188](#),

1 the department shall continue the child welfare and juvenile
2 justice funding initiative during fiscal year 2022-2023. Of
3 the funds appropriated in this section, \$1,717,000 is allocated
4 specifically for expenditure for fiscal year 2022-2023 through
5 the decategorization services funding pools and governance
6 boards established pursuant to [section 232.188](#).

7 5. A portion of the funds appropriated in this section
8 may be used for emergency family assistance to provide other
9 resources required for a family participating in a family
10 preservation or reunification project or successor project to
11 stay together or to be reunified.

12 6. Of the funds appropriated in this section, a sufficient
13 amount is allocated for shelter care and the child welfare
14 emergency services contracting implemented to provide for or
15 prevent the need for shelter care.

16 7. Federal funds received by the state during the fiscal
17 year beginning July 1, 2022, as the result of the expenditure
18 of state funds appropriated during a previous state fiscal
19 year for a service or activity funded under this section are
20 appropriated to the department to be used as additional funding
21 for services and purposes provided for under this section.
22 Notwithstanding [section 8.33](#), moneys received in accordance
23 with this subsection that remain unencumbered or unobligated at
24 the close of the fiscal year shall not revert to any fund but
25 shall remain available for the purposes designated until the
26 close of the succeeding fiscal year.

27 8. a. Of the funds appropriated in this section, up to
28 \$3,290,000 is allocated for the payment of the expenses of
29 court-ordered services provided to juveniles who are under the
30 supervision of juvenile court services, which expenses are a
31 charge upon the state pursuant to [section 232.141](#), subsection
32 4. Of the amount allocated in this paragraph "a", up to
33 \$1,556,000 shall be made available to provide school-based
34 supervision of children adjudicated under [chapter 232](#), of which
35 not more than \$15,000 may be used for the purpose of training.

1 A portion of the cost of each school-based liaison officer
2 shall be paid by the school district or other funding source as
3 approved by the chief juvenile court officer.

4 b. Of the funds appropriated in this section, up to \$748,000
5 is allocated for the payment of the expenses of court-ordered
6 services provided to children who are under the supervision
7 of the department, which expenses are a charge upon the state
8 pursuant to [section 232.141, subsection 4](#).

9 c. Notwithstanding [section 232.141](#) or any other provision
10 of law to the contrary, the amounts allocated in this
11 subsection shall be distributed to the judicial districts
12 as determined by the state court administrator and to the
13 department's service areas as determined by the administrator
14 of the department of human services' division of child and
15 family services. The state court administrator and the
16 division administrator shall make the determination of the
17 distribution amounts on or before June 15, 2022.

18 d. Notwithstanding [chapter 232](#) or any other provision of
19 law to the contrary, a district or juvenile court shall not
20 order any service which is a charge upon the state pursuant
21 to [section 232.141](#) if there are insufficient court-ordered
22 services funds available in the district court or departmental
23 service area distribution amounts to pay for the service. The
24 chief juvenile court officer and the departmental service area
25 manager shall encourage use of the funds allocated in this
26 subsection such that there are sufficient funds to pay for
27 all court-related services during the entire year. The chief
28 juvenile court officers and departmental service area managers
29 shall attempt to anticipate potential surpluses and shortfalls
30 in the distribution amounts and shall cooperatively request the
31 state court administrator or division administrator to transfer
32 funds between the judicial districts' or departmental service
33 areas' distribution amounts as prudent.

34 e. Notwithstanding any provision of law to the contrary,
35 a district or juvenile court shall not order a county to pay

1 for any service provided to a juvenile pursuant to an order
2 entered under [chapter 232](#) which is a charge upon the state
3 under [section 232.141, subsection 4](#).

4 f. Of the funds allocated in this subsection, not more than
5 \$83,000 may be used by the judicial branch for administration
6 of the requirements under this subsection.

7 g. Of the funds allocated in this subsection, \$17,000
8 shall be used by the department of human services to support
9 the interstate commission for juveniles in accordance with
10 the interstate compact for juveniles as provided in section
11 232.173.

12 9. Of the funds appropriated in this section, \$12,253,000 is
13 allocated for juvenile delinquent graduated sanctions services.
14 Any state funds saved as a result of efforts by juvenile court
15 services to earn a federal Tit. IV-E match for juvenile court
16 services administration may be used for the juvenile delinquent
17 graduated sanctions services.

18 10. Of the funds appropriated in this section, \$1,658,000 is
19 transferred to the department of public health to be used for
20 the child protection center grant program for child protection
21 centers located in Iowa in accordance with [section 135.118](#).
22 The grant amounts under the program shall be equalized so that
23 each center receives a uniform base amount of \$245,000, and so
24 that the remaining funds are awarded through a funding formula
25 based upon the volume of children served. To increase access
26 to child protection center services for children in rural
27 areas, the funding formula for the awarding of the remaining
28 funds shall provide for the awarding of an enhanced amount to
29 eligible grantees to develop and maintain satellite centers in
30 underserved regions of the state.

31 11. Of the funds appropriated in this section, \$4,025,000 is
32 allocated for the preparation for adult living program pursuant
33 to [section 234.46](#).

34 12. Of the funds appropriated in this section, \$227,000
35 shall be used for the public purpose of continuing a grant to a

1 nonprofit human services organization, providing services to
2 individuals and families in multiple locations in southwest
3 Iowa and Nebraska for support of a project providing immediate,
4 sensitive support and forensic interviews, medical exams, needs
5 assessments, and referrals for victims of child abuse and their
6 nonoffending family members.

7 13. Of the funds appropriated in this section, \$300,000
8 is allocated for the foster care youth council approach of
9 providing a support network to children placed in foster care.

10 14. Of the funds appropriated in this section, \$202,000 is
11 allocated for use pursuant to [section 235A.1](#) for continuation
12 of the initiative to address child sexual abuse implemented
13 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
14 21.

15 15. Of the funds appropriated in this section, \$630,000 is
16 allocated for the community partnership for child protection
17 sites.

18 16. Of the funds appropriated in this section, \$371,000
19 is allocated for the department's minority youth and family
20 projects under the redesign of the child welfare system.

21 17. Of the funds appropriated in this section, \$851,000
22 is allocated for funding of the community circle of care
23 collaboration for children and youth in northeast Iowa.

24 18. Of the funds appropriated in this section, at least
25 \$147,000 shall be used for the continuation of the child
26 welfare provider training program.

27 19. Of the funds appropriated in this section, \$211,000
28 shall be used for continuation of the central Iowa system of
29 care program grant for the purposes of funding community-based
30 services and other supports with a system of care approach for
31 children with serious emotional disturbance and their families
32 through a nonprofit provider that is located in a county with a
33 population of over 420,000 but less than 450,000 according to
34 the 2010 certified federal census, is licensed as a psychiatric
35 medical institution for children, and was a system of care

1 grantee prior to July 1, 2022.

2 20. Of the funds appropriated in this section, \$235,000
3 shall be used for the public purpose of the continuation
4 and expansion of a system of care program grant implemented
5 in Cerro Gordo and Linn counties to utilize a comprehensive
6 and long-term approach for helping children and families by
7 addressing the key areas in a child's life of childhood basic
8 needs, education and work, family, and community.

9 21. Of the funds appropriated in this section, \$110,000
10 shall be used for the public purpose of funding community-based
11 services and other supports with a system of care approach
12 for children with a serious emotional disturbance and their
13 families through a nonprofit provider of child welfare services
14 that has been in existence for more than 115 years, is located
15 in a county with a population of more than 230,000 according to
16 the 2020 certified federal census, is licensed as a psychiatric
17 medical institution for children, and was a system of care
18 grantee prior to July 1, 2022.

19 22. If a separate funding source is identified that reduces
20 the need for state funds within an allocation under this
21 section, the allocated state funds may be redistributed to
22 other allocations under this section for the same fiscal year.

23 23. Of the funds appropriated in this section, a portion may
24 be used for family-centered services for purposes of complying
25 with the federal Family First Prevention Services Act of 2018,
26 Pub. L. No. 115-123, and successor legislation.

27 24. Of the funds appropriated in this section, \$3,850,718
28 shall be used to support placements in qualified residential
29 treatment programs.

30 Sec. 20. ADOPTION SUBSIDY.

31 1. There is appropriated from the general fund of the
32 state to the department of human services for the fiscal year
33 beginning July 1, 2022, and ending June 30, 2023, the following
34 amount, or so much thereof as is necessary, to be used for the
35 purpose designated:

1 a. For adoption subsidy payments and related costs and for
2 other services provided for under paragraph "b", subparagraph
3 (2):

4 \$ 40,596,007

5 b. (1) Of the funds appropriated in this section, a
6 sufficient amount is allocated for adoption subsidy payments
7 and related costs.

8 (2) Any funds appropriated in this section remaining after
9 the allocation under subparagraph (1) are designated and
10 allocated as state savings resulting from implementation of
11 the federal Fostering Connections to Success and Increasing
12 Adoptions Act of 2008, Pub. L. No. 110-351, and successor
13 legislation, as determined in accordance with 42 U.S.C.
14 §673(a)(8), and shall be used for post-adoption services and
15 for other purposes allowed under these federal laws, Tit. IV-B
16 or Tit. IV-E of the federal Social Security Act.

17 (a) The department of human services may transfer funds
18 allocated in this subparagraph (2) to the appropriation for
19 child and family services in this division of this Act for the
20 purposes designated in this subparagraph (2).

21 (b) Notwithstanding section 8.33, moneys allocated
22 under this subparagraph (2) shall not revert to any fund but
23 shall remain available for the purposes designated in this
24 subparagraph (2) until expended.

25 2. The department may transfer funds appropriated in
26 this section to the appropriation made in this division of
27 this Act for general administration for costs paid from the
28 appropriation relating to adoption subsidy.

29 3. Federal funds received by the state during the
30 fiscal year beginning July 1, 2022, as the result of the
31 expenditure of state funds during a previous state fiscal
32 year for a service or activity funded under this section are
33 appropriated to the department to be used as additional funding
34 for the services and activities funded under this section.
35 Notwithstanding [section 8.33](#), moneys received in accordance

1 with this subsection that remain unencumbered or unobligated
2 at the close of the fiscal year shall not revert to any fund
3 but shall remain available for expenditure for the purposes
4 designated until the close of the succeeding fiscal year.

5 Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited
6 in the juvenile detention home fund created in [section 232.142](#)
7 during the fiscal year beginning July 1, 2022, and ending June
8 30, 2023, are appropriated to the department of human services
9 for the fiscal year beginning July 1, 2022, and ending June 30,
10 2023, for distribution of an amount equal to a percentage of
11 the costs of the establishment, improvement, operation, and
12 maintenance of county or multicounty juvenile detention homes
13 in the fiscal year beginning July 1, 2021. Moneys appropriated
14 for distribution in accordance with this section shall be
15 allocated among eligible detention homes, prorated on the basis
16 of an eligible detention home's proportion of the costs of all
17 eligible detention homes in the fiscal year beginning July
18 1, 2021. The percentage figure shall be determined by the
19 department based on the amount available for distribution for
20 the fund. Notwithstanding [section 232.142, subsection 3](#), the
21 financial aid payable by the state under that provision for the
22 fiscal year beginning July 1, 2022, shall be limited to the
23 amount appropriated for the purposes of this section.

24 Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM.

25 1. There is appropriated from the general fund of the
26 state to the department of human services for the fiscal year
27 beginning July 1, 2022, and ending June 30, 2023, the following
28 amount, or so much thereof as is necessary, to be used for the
29 purpose designated:

30 For the family support subsidy program subject to the
31 enrollment restrictions in [section 225C.37, subsection 3](#):
32 \$ 949,282

33 2. At least \$931,536 of the moneys appropriated in this
34 section is transferred to the department of public health for
35 the family support center component of the comprehensive family

1 support program under [chapter 225C, subchapter V](#).

2 3. If at any time during the fiscal year, the amount of
3 funding available for the family support subsidy program
4 is reduced from the amount initially used to establish the
5 figure for the number of family members for whom a subsidy
6 is to be provided at any one time during the fiscal year,
7 notwithstanding [section 225C.38, subsection 2](#), the department
8 shall revise the figure as necessary to conform to the amount
9 of funding available.

10 Sec. 23. CONNER DECREE. There is appropriated from the
11 general fund of the state to the department of human services
12 for the fiscal year beginning July 1, 2022, and ending June 30,
13 2023, the following amount, or so much thereof as is necessary,
14 to be used for the purpose designated:

15 For building community capacity through the coordination
16 and provision of training opportunities in accordance with the
17 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
18 Iowa, July 14, 1994):

19 \$ 33,632

20 Sec. 24. MENTAL HEALTH INSTITUTES.

21 1. There is appropriated from the general fund of the
22 state to the department of human services for the fiscal year
23 beginning July 1, 2022, and ending June 30, 2023, the following
24 amounts, or so much thereof as is necessary, to be used for the
25 purposes designated:

26 a. For operation of the state mental health institute at
27 Cherokee as required by [chapters 218 and 226](#) for salaries,
28 support, maintenance, and miscellaneous purposes, and for not
29 more than the following full-time equivalent positions:

30 \$ 15,613,624

31 FTEs 169.00

32 b. For operation of the state mental health institute at
33 Independence as required by [chapters 218 and 226](#) for salaries,
34 support, maintenance, and miscellaneous purposes, and for not
35 more than the following full-time equivalent positions:

1 \$ 19,688,928

2 FTEs 208.00

3 2. a. Notwithstanding sections 218.78 and 249A.11, any
4 revenue received from the state mental health institute at
5 Cherokee or the state mental health institute at Independence
6 pursuant to 42 C.F.R §438.6(e) may be retained and expended by
7 the mental health institute.

8 b. Notwithstanding sections 218.78 and 249A.11, any
9 COVID-19 related funding received through federal funding
10 sources by the state mental health institute at Cherokee or the
11 state mental health institute at Independence may be retained
12 and expended by the mental health institute.

13 3. Notwithstanding any provision of law to the contrary,
14 a Medicaid member residing at the state mental health
15 institute at Cherokee or the state mental health institute
16 at Independence shall retain Medicaid eligibility during
17 the period of the Medicaid member's stay for which federal
18 financial participation is available.

19 4. Notwithstanding section 8.33, moneys appropriated in
20 this section that remain unencumbered or unobligated at the
21 close of the fiscal year shall not revert but shall remain
22 available for expenditure for the purposes designated until the
23 close of the succeeding fiscal year.

24 Sec. 25. STATE RESOURCE CENTERS.

25 1. There is appropriated from the general fund of the
26 state to the department of human services for the fiscal year
27 beginning July 1, 2022, and ending June 30, 2023, the following
28 amounts, or so much thereof as is necessary, to be used for the
29 purposes designated:

30 a. For the state resource center at Glenwood for salaries,
31 support, maintenance, and miscellaneous purposes:
32 \$ 16,288,739

33 b. For the state resource center at Woodward for salaries,
34 support, maintenance, and miscellaneous purposes:
35 \$ 13,409,294

1 2. The department may continue to bill for state resource
2 center services utilizing a scope of services approach used for
3 private providers of intermediate care facilities for persons
4 with an intellectual disability services, in a manner which
5 does not shift costs between the medical assistance program,
6 mental health and disability services regions, or other sources
7 of funding for the state resource centers.

8 3. The state resource centers may expand the time-limited
9 assessment and respite services during the fiscal year.

10 4. If the department's administration and the department
11 of management concur with a finding by a state resource
12 center's superintendent that projected revenues can reasonably
13 be expected to pay the salary and support costs for a new
14 employee position, or that such costs for adding a particular
15 number of new positions for the fiscal year would be less
16 than the overtime costs if new positions would not be added,
17 the superintendent may add the new position or positions. If
18 the vacant positions available to a resource center do not
19 include the position classification desired to be filled, the
20 state resource center's superintendent may reclassify any
21 vacant position as necessary to fill the desired position. The
22 superintendents of the state resource centers may, by mutual
23 agreement, pool vacant positions and position classifications
24 during the course of the fiscal year in order to assist one
25 another in filling necessary positions.

26 5. If existing capacity limitations are reached in
27 operating units, a waiting list is in effect for a service or
28 a special need for which a payment source or other funding
29 is available for the service or to address the special need,
30 and facilities for the service or to address the special need
31 can be provided within the available payment source or other
32 funding, the superintendent of a state resource center may
33 authorize opening not more than two units or other facilities
34 and begin implementing the service or addressing the special
35 need during fiscal year 2022-2023.

1 6. Notwithstanding section 8.33, and notwithstanding
2 the amount limitation specified in section 222.92, moneys
3 appropriated in this section that remain unencumbered or
4 unobligated at the close of the fiscal year shall not revert
5 but shall remain available for expenditure for the purposes
6 designated until the close of the succeeding fiscal year.

7 Sec. 26. SEXUALLY VIOLENT PREDATORS.

8 1. There is appropriated from the general fund of the
9 state to the department of human services for the fiscal year
10 beginning July 1, 2022, and ending June 30, 2023, the following
11 amount, or so much thereof as is necessary, to be used for the
12 purpose designated:

13 For costs associated with the commitment and treatment of
14 sexually violent predators in the unit located at the state
15 mental health institute at Cherokee, including costs of legal
16 services and other associated costs, including salaries,
17 support, maintenance, and miscellaneous purposes, and for not
18 more than the following full-time equivalent positions:

19	\$ 13,891,276
20	FTEs 140.00

21 2. Unless specifically prohibited by law, if the amount
22 charged provides for recoupment of at least the entire amount
23 of direct and indirect costs, the department of human services
24 may contract with other states to provide care and treatment
25 of persons placed by the other states at the unit for sexually
26 violent predators at Cherokee. The moneys received under
27 such a contract shall be considered to be repayment receipts
28 and used for the purposes of the appropriation made in this
29 section.

30 3. Notwithstanding section 8.33, moneys appropriated in
31 this section that remain unencumbered or unobligated at the
32 close of the fiscal year shall not revert but shall remain
33 available for expenditure for the purposes designated until the
34 close of the succeeding fiscal year.

35 Sec. 27. FIELD OPERATIONS.

1 1. There is appropriated from the general fund of the
2 state to the department of human services for the fiscal year
3 beginning July 1, 2022, and ending June 30, 2023, the following
4 amount, or so much thereof as is necessary, to be used for the
5 purposes designated:

6 For field operations, including salaries, support,
7 maintenance, and miscellaneous purposes, and for not more than
8 the following full-time equivalent positions:
9 \$ 65,894,438
10 FTEs 1,589.00

11 2. Priority in filling full-time equivalent positions
12 shall be given to those positions related to child protection
13 services and eligibility determination for low-income families.

14 Sec. 28. GENERAL ADMINISTRATION. There is appropriated
15 from the general fund of the state to the department of human
16 services for the fiscal year beginning July 1, 2022, and ending
17 June 30, 2023, the following amount, or so much thereof as is
18 necessary, to be used for the purpose designated:

19 For general administration, including salaries, support,
20 maintenance, and miscellaneous purposes, and for not more than
21 the following full-time equivalent positions:
22 \$ 15,342,189
23 FTEs 294.00

24 1. The department shall report at least monthly to the
25 general assembly concerning the department's operational and
26 program expenditures.

27 2. Of the funds appropriated in this section, \$150,000 shall
28 be used for the provision of a program to provide technical
29 assistance, support, and consultation to providers of home and
30 community-based services under the medical assistance program.

31 3. Of the funds appropriated in this section, \$50,000
32 is transferred to the Iowa finance authority to be used
33 for administrative support of the council on homelessness
34 established in [section 16.2D](#) and for the council to fulfill its
35 duties in addressing and reducing homelessness in the state.

1 4. Of the funds appropriated in this section, \$200,000 shall
2 be transferred to and deposited in the administrative fund of
3 the Iowa ABLE savings plan trust created in [section 12I.4](#), to
4 be used for implementation and administration activities of the
5 Iowa ABLE savings plan trust.

6 5. Of the funds appropriated in this section, \$200,000 is
7 transferred to the economic development authority for the Iowa
8 commission on volunteer services to continue to be used for the
9 RefugeeRISE AmeriCorps program established under [section 15H.8](#)
10 for member recruitment and training to improve the economic
11 well-being and health of economically disadvantaged refugees in
12 local communities across Iowa. Funds transferred may be used
13 to supplement federal funds under federal regulations.

14 6. Of the funds appropriated in this section, up to \$300,000
15 shall be used as follows:

16 a. To fund not more than 1.00 full-time equivalent position
17 to address the department's responsibility to support the work
18 of the children's behavioral health system state board and
19 implementation of the services required pursuant to section
20 331.397.

21 b. To support the cost of establishing and implementing new
22 or additional services required pursuant to sections 331.397
23 and 331.397A.

24 c. Of the amount allocated, \$32,000 shall be transferred
25 to the department of public health to support the costs of
26 establishing and implementing new or additional services
27 required pursuant to sections 331.397 and 331.397A.

28 7. Of the funds appropriated in this section, \$800,000 shall
29 be used for the renovation and construction of certain nursing
30 facilities, consistent with the provisions of chapter 249K.

31 Sec. 29. DEPARTMENT-WIDE DUTIES. There is appropriated
32 from the general fund of the state to the department of human
33 services for the fiscal year beginning July 1, 2022, and ending
34 June 30, 2023, the following amount, or so much thereof as is
35 necessary, to be used for the purposes designated:

1 For salaries, support, maintenance, and miscellaneous
2 purposes at facilities under the purview of the department of
3 human services:

4 \$ 4,172,123

5 Sec. 30. VOLUNTEERS. There is appropriated from the general
6 fund of the state to the department of human services for the
7 fiscal year beginning July 1, 2022, and ending June 30, 2023,
8 the following amount, or so much thereof as is necessary, to be
9 used for the purpose designated:

10 For development and coordination of volunteer services:

11 \$ 84,686

12 Sec. 31. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
13 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
14 DEPARTMENT OF HUMAN SERVICES.

15 1. a. (1) (a) Notwithstanding any provision of law to the
16 contrary, for the fiscal year beginning July 1, 2022, case-mix
17 nursing facilities shall be reimbursed in accordance with the
18 methodology in effect on June 30, 2022.

19 (b) For the fiscal year beginning July 1, 2022, non-case-mix
20 and special population nursing facilities shall be reimbursed
21 in accordance with the methodology in effect on June 30, 2022.

22 (c) For managed care claims, the department of human
23 services shall adjust the payment rate floor for nursing
24 facilities, annually, to maintain a rate floor that is no
25 lower than the Medicaid fee-for-service case-mix adjusted rate
26 calculated in accordance with subparagraph division (a) and
27 441 IAC 81.6. The department shall then calculate adjusted
28 reimbursement rates, including but not limited to add-on
29 payments, annually, and shall notify Medicaid managed care
30 organizations of the adjusted reimbursement rates within 30
31 days of determining the adjusted reimbursement rates. Any
32 adjustment of reimbursement rates under this subparagraph
33 division shall be budget neutral to the state budget.

34 (d) For the fiscal year beginning July 1, 2022, Medicaid
35 managed care long-term services and supports capitation rates

1 shall be adjusted to reflect the case-mix adjusted rates
2 specified pursuant to subparagraph division (a) for the patient
3 populations residing in Medicaid-certified nursing facilities.

4 (2) Medicaid managed care organizations shall adjust
5 facility-specific rates based upon payment rate listings issued
6 by the department. The rate adjustments shall be applied
7 prospectively from the effective date of the rate letter issued
8 by the department.

9 b. (1) For the fiscal year beginning July 1, 2022, the
10 department shall establish the fee-for-service pharmacy
11 dispensing fee reimbursement at \$10.38 per prescription,
12 until a cost of dispensing survey is completed. The actual
13 dispensing fee shall be determined by a cost of dispensing
14 survey performed by the department and required to be completed
15 by all medical assistance program participating pharmacies
16 every two years, adjusted as necessary to maintain expenditures
17 within the amount appropriated to the department for this
18 purpose for the fiscal year. A change in the dispensing
19 fee shall become effective following federal approval of the
20 Medicaid state plan.

21 (2) The department shall utilize an average acquisition
22 cost reimbursement methodology for all drugs covered under the
23 medical assistance program in accordance with 2012 Iowa Acts,
24 chapter 1133, section 33.

25 c. (1) For the fiscal year beginning July 1, 2022,
26 reimbursement rates for outpatient hospital services shall
27 remain at the rates in effect on June 30, 2022, subject to
28 Medicaid program upper payment limit rules, and adjusted
29 as necessary to maintain expenditures within the amount
30 appropriated to the department for this purpose for the fiscal
31 year.

32 (2) For the fiscal year beginning July 1, 2022,
33 reimbursement rates for inpatient hospital services shall
34 remain at the rates in effect on June 30, 2022, subject to
35 Medicaid program upper payment limit rules, and adjusted

1 as necessary to maintain expenditures within the amount
2 appropriated to the department for this purpose for the fiscal
3 year.

4 (3) For the fiscal year beginning July 1, 2022, under
5 both fee-for-service and managed care administration of
6 the Medicaid program, critical access hospitals shall be
7 reimbursed for inpatient and outpatient services based on the
8 hospital-specific critical access hospital cost adjustment
9 factor methodology utilizing the most recent and complete cost
10 reporting period as applied prospectively within the funds
11 appropriated for such purpose for the fiscal year.

12 (4) For the fiscal year beginning July 1, 2022, the graduate
13 medical education and disproportionate share hospital fund
14 shall remain at the amount in effect on June 30, 2022, except
15 that the portion of the fund attributable to graduate medical
16 education shall be reduced in an amount that reflects the
17 elimination of graduate medical education payments made to
18 out-of-state hospitals.

19 (5) In order to ensure the efficient use of limited state
20 funds in procuring health care services for low-income Iowans,
21 funds appropriated in this Act for hospital services shall
22 not be used for activities which would be excluded from a
23 determination of reasonable costs under the federal Medicare
24 program pursuant to 42 U.S.C. §1395x(v)(1)(N).

25 d. For the fiscal year beginning July 1, 2022, reimbursement
26 rates for hospices and acute psychiatric hospitals shall be
27 increased in accordance with increases under the federal
28 Medicare program or as supported by their Medicare audited
29 costs.

30 e. For the fiscal year beginning July 1, 2022, independent
31 laboratories and rehabilitation agencies shall be reimbursed
32 using the same methodology in effect on June 30, 2022.

33 f. (1) For the fiscal year beginning July 1, 2022,
34 reimbursement rates for home health agencies shall continue to
35 be based on the Medicare low utilization payment adjustment

1 (LUPA) methodology with state geographic wage adjustments. The
2 department shall continue to update the rates every two years
3 to reflect the most recent Medicare LUPA rates.

4 (2) For the fiscal year beginning July 1, 2022, the
5 department shall create a reimbursement rate structure that
6 provides incentives to home health care providers located in
7 rural areas and providing home health care to Medicaid members,
8 within the \$4,000,000 appropriated for this purpose. The rate
9 structure shall include a telehealth component to incentivize
10 the provision of necessary supervision for skilled care without
11 requiring travel time. For the purposes of this subparagraph
12 (2), "*rural area*" means an area that is not an Iowa core based
13 statistical area as defined by the federal office of management
14 and budget.

15 (3) For the fiscal year beginning July 1, 2022, rates for
16 private duty nursing and personal care services under the early
17 and periodic screening, diagnostic, and treatment program
18 benefit shall be calculated based on the methodology in effect
19 on June 30, 2022.

20 g. For the fiscal year beginning July 1, 2022, federally
21 qualified health centers and rural health clinics shall receive
22 cost-based reimbursement for 100 percent of the reasonable
23 costs for the provision of services to recipients of medical
24 assistance.

25 h. For the fiscal year beginning July 1, 2022, the
26 reimbursement rates for dental services shall remain at the
27 rates in effect on June 30, 2022.

28 i. (1) For the fiscal year beginning July 1, 2022,
29 reimbursement rates for non-state-owned psychiatric medical
30 institutions for children shall be based on the reimbursement
31 methodology in effect on June 30, 2022.

32 (2) As a condition of participation in the medical
33 assistance program, enrolled providers shall accept the medical
34 assistance reimbursement rate for any covered goods or services
35 provided to recipients of medical assistance who are children

1 under the custody of a psychiatric medical institution for
2 children.

3 j. For the fiscal year beginning July 1, 2022, unless
4 otherwise specified in this Act, all noninstitutional medical
5 assistance provider reimbursement rates shall remain at the
6 rates in effect on June 30, 2022, except for area education
7 agencies, local education agencies, infant and toddler
8 services providers, home and community-based services providers
9 including consumer-directed attendant care providers under a
10 section 1915(c) or 1915(i) waiver, targeted case management
11 providers, and those providers whose rates are required to be
12 determined pursuant to [section 249A.20](#), or to meet federal
13 mental health parity requirements.

14 k. Notwithstanding any provision to the contrary, for the
15 fiscal year beginning July 1, 2022, the reimbursement rate for
16 anesthesiologists shall remain at the rates in effect on June
17 30, 2022, and updated on January 1, 2023, to align with the
18 most current Iowa Medicare anesthesia rate.

19 l. Notwithstanding [section 249A.20](#), for the fiscal year
20 beginning July 1, 2022, the average reimbursement rate for
21 health care providers eligible for use of the federal Medicare
22 resource-based relative value scale reimbursement methodology
23 under [section 249A.20](#) shall remain at the rate in effect on
24 June 30, 2022; however, this rate shall not exceed the maximum
25 level authorized by the federal government.

26 m. For the fiscal year beginning July 1, 2022, the
27 reimbursement rate for residential care facilities shall not
28 be less than the minimum payment level as established by the
29 federal government to meet the federally mandated maintenance
30 of effort requirement. The flat reimbursement rate for
31 facilities electing not to file annual cost reports shall not
32 be less than the minimum payment level as established by the
33 federal government to meet the federally mandated maintenance
34 of effort requirement.

35 n. For the fiscal year beginning July 1, 2022, the

1 reimbursement rates for inpatient mental health services
2 provided at hospitals shall remain at the rates in effect on
3 June 30, 2022, subject to Medicaid program upper payment limit
4 rules and adjusted as necessary to maintain expenditures within
5 the amount appropriated to the department for this purpose for
6 the fiscal year; and psychiatrists shall be reimbursed at the
7 medical assistance program fee-for-service rate in effect on
8 June 30, 2022.

9 o. For the fiscal year beginning July 1, 2022, community
10 mental health centers may choose to be reimbursed for the
11 services provided to recipients of medical assistance through
12 either of the following options:

13 (1) For 100 percent of the reasonable costs of the services.

14 (2) In accordance with the alternative reimbursement rate
15 methodology approved by the department of human services in
16 effect on June 30, 2022.

17 p. For the fiscal year beginning July 1, 2022, the
18 reimbursement rate for providers of family planning services
19 that are eligible to receive a 90 percent federal match shall
20 remain at the rates in effect on June 30, 2022.

21 q. (1) For the fiscal year beginning July 1, 2022,
22 reimbursement rates for providers of home and community-based
23 services waiver and habilitation services shall be increased
24 to the extent possible within the \$14,600,000 appropriated for
25 this purpose. The entire rate increase shall be used for wages
26 and associated costs specific to wages, benefits, and required
27 withholding of direct support professionals and frontline
28 management, including consumer choices option employees.

29 (2) For the fiscal year beginning July 1, 2022,
30 reimbursement rates for intermediate care facility for
31 persons with an intellectual disability providers shall be
32 increased over the rates in effect on June 30, 2022, within
33 the \$3,125,778 appropriated for this purpose. The entire rate
34 increase shall be used for wages and associated costs specific
35 to wages, benefits, and required withholding of direct support

1 professionals and frontline management.

2 (3) For the fiscal year beginning July 1, 2022,
3 reimbursement rates for providers of state plan home and
4 community-based services home-based habilitation services
5 shall remain at the rates in effect on June 30, 2022. The
6 reimbursement rates for home-based habilitation services shall
7 be based on a fee schedule that incorporates the acuity-based
8 tiers.

9 r. For the fiscal year beginning July 1, 2022, the
10 reimbursement rates for emergency medical service providers
11 shall remain at the rates in effect on June 30, 2022, or as
12 approved by the centers for Medicare and Medicaid services of
13 the United States department of health and human services.

14 s. (1) For the fiscal year beginning July 1, 2022,
15 reimbursement rates for substance-related disorder treatment
16 programs licensed under [section 125.13](#) shall remain at the
17 rates in effect on June 30, 2022.

18 (2) For the fiscal year beginning July 1, 2022, the
19 department shall establish a fee schedule or provider-specific
20 rate structure to increase reimbursement rates for residential
21 substance use treatment providers within the \$1,100,000
22 appropriated for this purpose.

23 t. For the fiscal year beginning July 1, 2022, assertive
24 community treatment per diem rates shall remain at the rates in
25 effect on June 30, 2022.

26 u. For the fiscal year beginning July 1, 2022, the
27 reimbursement rate for family-centered services providers shall
28 be established by contract.

29 v. For the fiscal year beginning July 1, 2022, the
30 reimbursement rate for air ambulance services shall remain at
31 the rate in effect on June 30, 2022.

32 w. For the fiscal year beginning July 1, 2022, all
33 behavioral health intervention services reimbursement rates
34 shall be increased over the rates in effect on June 30, 2022,
35 within the \$3,000,000 appropriated for this purpose. The

1 entire rate increase shall be used for wages and associated
2 costs specific to wages, benefits, and required withholding of
3 direct support professionals and frontline management.

4 x. For the fiscal year beginning July 1, 2022, all applied
5 behavioral analysis services reimbursement rates shall be
6 increased over the rates in effect on June 30, 2022, within the
7 \$385,000 appropriated for this purpose.

8 2. For the fiscal year beginning July 1, 2022, the
9 reimbursement rate for providers reimbursed under the
10 in-home-related care program shall not be less than the minimum
11 payment level as established by the federal government to meet
12 the federally mandated maintenance of effort requirement.

13 3. Unless otherwise directed in this section, when the
14 department's reimbursement methodology for any provider
15 reimbursed in accordance with this section includes an
16 inflation factor, this factor shall not exceed the amount
17 by which the consumer price index for all urban consumers
18 increased during the most recently ended calendar year.

19 4. Notwithstanding [section 234.38](#), for the fiscal
20 year beginning July 1, 2022, the foster family basic daily
21 maintenance rate and the maximum adoption subsidy rate for
22 children ages 0 through 5 years shall be \$16.78, the rate for
23 children ages 6 through 11 years shall be \$17.45, the rate for
24 children ages 12 through 15 years shall be \$19.10, and the
25 rate for children and young adults ages 16 and older shall
26 be \$19.35. For youth ages 18 to 23 who have exited foster
27 care, the preparation for adult living program maintenance
28 rate shall be up to \$602.70 per month as calculated based on
29 the age of the participant. The maximum payment for adoption
30 subsidy nonrecurring expenses shall be limited to \$500 and the
31 disallowance of additional amounts for court costs and other
32 related legal expenses implemented pursuant to 2010 Iowa Acts,
33 chapter 1031, section 408, shall be continued.

34 5. For the fiscal year beginning July 1, 2022, the maximum
35 reimbursement rates for social services providers under

1 contract shall remain at the rates in effect on June 30, 2022,
2 or the provider's actual and allowable cost plus inflation for
3 each service, whichever is less. However, if a new service
4 or service provider is added after June 30, 2022, the initial
5 reimbursement rate for the service or provider shall be based
6 upon a weighted average of provider rates for similar services.

7 6. a. For the fiscal year beginning July 1, 2022, the
8 reimbursement rates for resource family recruitment and
9 retention contractors shall be established by contract.

10 b. For the fiscal year beginning July 1, 2022, the
11 reimbursement rates for supervised apartment living foster care
12 providers shall be established by contract.

13 7. For the fiscal year beginning July 1, 2022, the
14 reimbursement rate for group foster care providers shall be the
15 combined service and maintenance reimbursement rate established
16 by contract.

17 8. The group foster care reimbursement rates paid for
18 placement of children out of state shall be calculated
19 according to the same rate-setting principles as those used for
20 in-state providers, unless the director of human services or
21 the director's designee determines that appropriate care cannot
22 be provided within the state. The payment of the daily rate
23 shall be based on the number of days in the calendar month in
24 which service is provided.

25 9. a. For the fiscal year beginning July 1, 2022, the
26 reimbursement rate paid for shelter care and the child welfare
27 emergency services implemented to provide or prevent the need
28 for shelter care shall be established by contract.

29 b. For the fiscal year beginning July 1, 2022, the combined
30 service and maintenance components of the per day reimbursement
31 rate paid for shelter care services shall be based on the
32 financial and statistical report submitted to the department.
33 The maximum per day reimbursement rate shall be the maximum
34 per day reimbursement rate in effect on June 30, 2022, as
35 increased within the \$649,029 appropriated for this purpose.

1 The department shall reimburse a shelter care provider at the
2 provider's actual and allowable unit cost, plus inflation, not
3 to exceed the maximum reimbursement rate.

4 c. Unless 2022 Iowa Acts, House File 2507, is enacted,
5 notwithstanding [section 232.141, subsection 8](#), for the fiscal
6 year beginning July 1, 2022, the amount of the statewide
7 average of the actual and allowable rates for reimbursement of
8 juvenile shelter care homes that is utilized for the limitation
9 on recovery of unpaid costs shall remain at the amount in
10 effect for this purpose in the fiscal year beginning July 1,
11 2021. If 2022 Iowa Acts, House File 2507, is enacted, the
12 applicable provisions of House File 2507 shall supersede the
13 provisions of this paragraph "c".

14 10. For the fiscal year beginning July 1, 2022, the
15 department shall calculate reimbursement rates for intermediate
16 care facilities for persons with an intellectual disability
17 at the 80th percentile. Beginning July 1, 2022, the rate
18 calculation methodology shall utilize the consumer price index
19 inflation factor applicable to the fiscal year beginning July
20 1, 2022.

21 11. Effective July 1, 2022, child care provider
22 reimbursement rates shall remain at the rates in effect on June
23 30, 2022. The department shall set rates in a manner so as
24 to provide incentives for a nonregistered provider to become
25 registered by applying any increase only to registered and
26 licensed providers.

27 12. The department may adopt emergency rules to implement
28 this section.

29 Sec. 32. EMERGENCY RULES.

30 1. If necessary to comply with federal requirements
31 including time frames, or if specifically authorized by a
32 provision of this division of this Act, the department of
33 human services or the mental health and disability services
34 commission may adopt administrative rules under section 17A.4,
35 subsection 3, and section 17A.5, subsection 2, paragraph "b",

1 to implement the provisions of this division of this Act and
2 the rules shall become effective immediately upon filing or
3 on a later effective date specified in the rules, unless the
4 effective date of the rules is delayed or the applicability
5 of the rules is suspended by the administrative rules review
6 committee. Any rules adopted in accordance with this section
7 shall not take effect before the rules are reviewed by the
8 administrative rules review committee. The delay authority
9 provided to the administrative rules review committee under
10 section 17A.8, subsections 9 and 10, shall be applicable to a
11 delay imposed under this section, notwithstanding a provision
12 in those subsections making them inapplicable to section 17A.5,
13 subsection 2, paragraph "b". Any rules adopted in accordance
14 with the provisions of this section shall also be published as
15 a notice of intended action as provided in section 17A.4.

16 2. If during a fiscal year, the department of human
17 services is adopting rules in accordance with this section
18 or as otherwise directed or authorized by state law, and
19 the rules will result in an expenditure increase beyond the
20 amount anticipated in the budget process or if the expenditure
21 was not addressed in the budget process for the fiscal
22 year, the department shall notify the general assembly and
23 the department of management concerning the rules and the
24 expenditure increase. The notification shall be provided at
25 least 30 calendar days prior to the date notice of the rules
26 is submitted to the administrative rules coordinator and the
27 administrative code editor.

28 Sec. 33. REPORTS. Unless otherwise provided, any reports or
29 other information required to be compiled and submitted under
30 this Act during the fiscal year beginning July 1, 2022, shall
31 be submitted on or before the dates specified for submission
32 of the reports or information.

33 Sec. 34. EFFECTIVE UPON ENACTMENT. The following provision
34 of this division of this Act, being deemed of immediate
35 importance, takes effect upon enactment:

1 The provision relating to [section 232.141](#) and directing the
2 state court administrator and the division administrator of
3 the department of human services division of child and family
4 services to make the determination, by June 15, 2022, of the
5 distribution of funds allocated for the payment of the expenses
6 of court-ordered services provided to juveniles which are a
7 charge upon the state.

8 DIVISION VI

9 HEALTH CARE ACCOUNTS AND FUNDS — FY 2022-2023

10 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
11 appropriated from the pharmaceutical settlement account created
12 in [section 249A.33](#) to the department of human services for the
13 fiscal year beginning July 1, 2022, and ending June 30, 2023,
14 the following amount, or so much thereof as is necessary, to be
15 used for the purpose designated:

16 Notwithstanding any provision of law to the contrary, to
17 supplement the appropriations made in this Act for health
18 program operations under the medical assistance program for the
19 fiscal year beginning July 1, 2022, and ending June 30, 2023:
20 \$ 234,193

21 Sec. 36. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
22 SERVICES. Notwithstanding any provision to the contrary and
23 subject to the availability of funds, there is appropriated
24 from the quality assurance trust fund created in section
25 249L.4 to the department of human services for the fiscal year
26 beginning July 1, 2022, and ending June 30, 2023, the following
27 amounts, or so much thereof as is necessary, for the purposes
28 designated:

29 To supplement the appropriation made in this Act from the
30 general fund of the state to the department of human services
31 for medical assistance for the same fiscal year:
32 \$ 56,305,139

33 Sec. 37. HOSPITAL HEALTH CARE ACCESS TRUST FUND —
34 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to
35 the contrary and subject to the availability of funds, there is

1 appropriated from the hospital health care access trust fund
2 created in [section 249M.4](#) to the department of human services
3 for the fiscal year beginning July 1, 2022, and ending June
4 30, 2023, the following amounts, or so much thereof as is
5 necessary, for the purposes designated:

6 To supplement the appropriation made in this Act from the
7 general fund of the state to the department of human services
8 for medical assistance for the same fiscal year:

9 \$ 33,920,554

10 Sec. 38. MEDICAL ASSISTANCE PROGRAM — NONREVERSION
11 FOR FY 2022-2023. Notwithstanding [section 8.33](#), if moneys
12 appropriated for purposes of the medical assistance program for
13 the fiscal year beginning July 1, 2022, and ending June 30,
14 2023, from the general fund of the state, the quality assurance
15 trust fund, and the hospital health care access trust fund, are
16 in excess of actual expenditures for the medical assistance
17 program and remain unencumbered or unobligated at the close
18 of the fiscal year, the excess moneys shall not revert but
19 shall remain available for expenditure for the purposes of the
20 medical assistance program until the close of the succeeding
21 fiscal year.

22 DIVISION VII

23 DECATEGORIZATION CARRYOVER FUNDING

24 Sec. 39. DECATEGORIZATION CARRYOVER FUNDING FY 2020 —
25 TRANSFER TO MEDICAID PROGRAM. Notwithstanding [section 232.188](#),
26 subsection 5, paragraph "b", any state-appropriated moneys in
27 the funding pool that remained unencumbered or unobligated
28 at the close of the fiscal year beginning July 1, 2019, and
29 were deemed carryover funding to remain available for the two
30 succeeding fiscal years that still remain unencumbered or
31 unobligated at the close of the fiscal year beginning July 1,
32 2021, shall not revert but shall be transferred to the medical
33 assistance program for the fiscal year beginning July 1, 2022.

34 Sec. 40. EFFECTIVE DATE. This division of this Act, being
35 deemed of immediate importance, takes effect upon enactment.

1 Sec. 41. RETROACTIVE APPLICABILITY. This division of this
2 Act applies retroactively to July 1, 2021.

3 DIVISION VIII

4 TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE

5 Sec. 42. TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE —
6 FY 2021-2022. Notwithstanding any provision to the contrary,
7 any funds remaining in the property tax relief fund created
8 in section 426B.1 at the close of the fiscal year beginning
9 July 1, 2021, shall be transferred to the region incentive fund
10 created in the mental health and disability services regional
11 service fund pursuant to section 225C.7A.

12 Sec. 43. EFFECTIVE DATE. This division of this Act, being
13 deemed of immediate importance, takes effect upon enactment.

14 DIVISION IX

15 PRIOR APPROPRIATIONS AND OTHER PROVISIONS

16 FAMILY INVESTMENT PROGRAM GENERAL FUND

17 Sec. 44. 2021 Iowa Acts, chapter 182, section 9, is amended
18 by adding the following new subsection:

19 NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys
20 appropriated in this section that remain unencumbered or
21 unobligated at the close of the fiscal year shall not revert
22 but shall remain available for one-time purposes, and may be
23 transferred to the appropriation in this division of this Act
24 for general administration for technology purposes, until the
25 close of the succeeding fiscal year.

26 CHILD AND FAMILY SERVICES

27 Sec. 45. 2021 Iowa Acts, chapter 182, section 19, is amended
28 by adding the following new subsection:

29 NEW SUBSECTION. 24. Notwithstanding section 8.33, moneys
30 appropriated in this section that remain unencumbered or
31 unobligated at the close of the fiscal year shall not revert
32 but shall remain available for the purposes designated until
33 the close of the succeeding fiscal year.

34 FIELD OPERATIONS

35 Sec. 46. 2021 Iowa Acts, chapter 182, section 27, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
3 appropriated in this section that remain unencumbered or
4 unobligated at the close of the fiscal year shall not revert
5 but shall remain available for one-time expenditure purposes
6 until the close of the succeeding fiscal year.

7 GENERAL ADMINISTRATION

8 Sec. 47. 2021 Iowa Acts, chapter 182, section 28, is amended
9 by adding the following new subsection:

10 NEW SUBSECTION. 8. Notwithstanding section 8.33, moneys
11 appropriated in this section that remain unencumbered or
12 unobligated at the close of the fiscal year shall not revert
13 but shall remain available for one-time expenditure purposes
14 until the close of the succeeding fiscal year.

15 Sec. 48. EFFECTIVE DATE. This division of this Act, being
16 deemed of immediate importance, takes effect upon enactment.

17 DIVISION X

18 PUBLIC HEALTH EMERGENCY PROVISIONS COVID-19 REGULATIONS

19 Sec. 49. COVID-19 FEDERAL REGULATIONS. For the time
20 period beginning on the effective date of this division of
21 this Act, and ending June 30, 2023, notwithstanding state
22 administrative rules to the contrary, to the extent federal
23 regulations relating to the COVID-19 pandemic differ from state
24 administrative rules, including applicable federal waivers,
25 the federal regulations are controlling during the pendency of
26 the federally declared state of emergency and for such period
27 of time following the end of the federally declared state of
28 emergency applicable to the respective federal regulations.

29 DIVISION XI

30 HEALTH AND HUMAN SERVICES REALIGNMENT

31 Sec. 50. TRANSITION OF DEPARTMENT OF HUMAN SERVICES AND
32 DEPARTMENT OF PUBLIC HEALTH INTO DEPARTMENT OF HEALTH AND HUMAN
33 SERVICES.

34 1. Definitions. For the purposes of this section:

35 a. "Department of health and human services" or

1 "department" means the department of health and human services
2 created under this section.

3 b. "Transition department" means the department of human
4 services or the department of public health.

5 c. "Transition departments" means the department of human
6 services and the department of public health.

7 d. "Transition period" means the period beginning July 1,
8 2022, and ending June 30, 2023.

9 2. Creation of department of health and human services
10 — transition period — powers and duties. Notwithstanding
11 any conflicting provision of law to the contrary, there is
12 created a department of health and human services. During
13 the transition period, the department of health and human
14 services shall have and may exercise all of the policymaking
15 functions, regulatory and enforcement powers, rights, duties,
16 and responsibilities of the department of human services and
17 the department of public health as prescribed by law or rule
18 in effect on July 1, 2022, including but not limited to those
19 relating to:

20 a. All obligations and contracts of a transition
21 department, including obligations and contracts related to a
22 grant program.

23 b. All property and records in the custody of a transition
24 department.

25 c. All funds appropriated to a transition department by the
26 general assembly and all state, federal, and other funds for
27 which expenditure by a transition department is authorized.

28 d. Complaints, investigations, contested cases, causes of
29 action, and statutes of limitations involving a transition
30 department.

31 (1) All complaints, investigations, contested cases, or
32 a remand of an action by a reviewing court pending before a
33 transition department or an authorized person of a transition
34 department shall continue without change in status before
35 the department and shall be governed by the laws and rules

1 applicable to the complaint, investigation, contested case, or
2 remand action or proceeding in effect on July 1, 2022.

3 (2) Any cause of action or statute of limitation relating
4 to a transition department shall not be affected as a result
5 of the transition and such cause of action or statute of
6 limitation shall apply to the department.

7 e. Rules, policies, and forms. All rules, policies, and
8 forms adopted by or on behalf of a transition department shall
9 become rules, policies, and forms of the department and shall
10 remain in effect unless altered by the department.

11 f. Licenses, permits, and certifications. All licenses,
12 permits, and certifications issued by a transition department
13 shall continue in effect as a license, permit, or certification
14 of the department in accordance with the law or rule governing
15 the license, permit, or certification in effect on July 1,
16 2022, until the license, permit, or certification expires, is
17 suspended or revoked, or otherwise becomes invalid by the terms
18 of such law or rule.

19 g. References to a department or director. All references
20 to the department of public health or the department of human
21 services in law or in rule shall be interpreted to mean the
22 department of health and human services, and all references to
23 the director of public health or the director of human services
24 shall be interpreted to mean the director of the department of
25 health and human services.

26 h. Departmental structure.

27 (1) Any transition department, transition department
28 subunit, or transition department body created or established
29 by law and in existence on July 1, 2022, shall continue in
30 full force and effect and shall not be permanently abolished,
31 merged, or otherwise altered until amended, repealed, or
32 supplemented by action of the general assembly.

33 (2) This paragraph shall not prohibit a transition
34 department, transition department subunit, or transition
35 department body created or established by law in existence on

1 July 1, 2022, from sharing or coordinating responsibilities
2 or functions under their respective purviews nor prohibit
3 the director from temporarily integrating such departments,
4 subunits, or bodies or the responsibilities or functions under
5 their respective purviews in furtherance of the transition plan
6 during the transition period.

7 3. Transition period leadership. During the transition
8 period, the director of human services shall continue to act
9 as the director of human services, shall assume the duties of
10 the director of public health, shall act as the director of
11 the department of health and human services, and may thereby
12 exercise any policymaking functions, regulatory and enforcement
13 powers, rights, duties, and responsibilities of the director
14 of human services and the director of public health including
15 those duties prescribed by law for the department of human
16 services or the department of public health in effect on July
17 1, 2022.

18 4. Federal authorization and effective date of
19 authorizations. If a transition department or the department
20 determines that a waiver or authorization from the federal
21 government is necessary to administer any provision of
22 this section, the department shall request the waiver or
23 authorization, and notwithstanding any other effective date to
24 the contrary, the provision shall take effect only upon receipt
25 of federal approval.

26 5. Initial written transition plan.

27 a. On or before September 30, 2022, the transition
28 departments or department shall publish on their respective
29 internet sites an initial written transition plan for merging
30 the functions of the transition departments into the department
31 of health and human services effective July 1, 2023, in order
32 to do all of the following:

33 (1) More efficiently and effectively manage health and
34 human services programs that are the responsibility of the
35 state.

1 (2) Establish a health and human services policy for the
2 state.

3 (3) Promote health and the quality of life in the health and
4 human services field.

5 b. The transition plan shall describe, at a minimum, all of
6 the following:

7 (1) The tasks that require completion before July 1, 2023,
8 including a description of how the transition departments shall
9 solicit comment from stakeholders, including employees of the
10 transition departments, clients and partners of the transition
11 departments, members of the public, and members of the general
12 assembly.

13 (2) The proposed organizational structure of the
14 department, at a minimum, including the division level of
15 the table of organization. Any personnel in the state merit
16 system of employment who are mandatorily transferred due to the
17 transition shall be so transferred without any loss in salary,
18 benefits, or accrued years of service.

19 (3) Proposed changes to any transition department boards,
20 commissions, committees, councils, or other bodies and their
21 functions.

22 (4) Office space and infrastructure requirements related
23 to the transition.

24 (5) Any work site location changes for transitioning
25 employees.

26 (6) The transition of service delivery sites.

27 (7) Procedures for the transfer and reconciliation of
28 budgeting and funding between the transition departments and
29 the department.

30 (8) The transition of technology services of the transition
31 departments to the department.

32 (9) Any additional known tasks that may require completion
33 after the transition on July 1, 2023.

34 c. The written transition plan published under paragraph
35 "b" shall:

1 (1) Include a detailed timeline for the completion of the
2 tasks described.

3 (2) Be updated quarterly during the remainder of the
4 transition period.

5 (3) Describe how information will be provided to clients
6 of the transition departments and the department regarding any
7 changes in service delivery.

8 (4) Describe how the transition to the department will be
9 funded, including how expenses associated with the transition
10 will be managed; how funding for services provided by the
11 transition departments will be managed to ensure provision
12 of services by the transition departments and the department
13 without interruption; and how federal funds will be used by
14 or transferred between the transition departments and the
15 department to ensure provision of services by the transition
16 departments and the department without interruption.

17 6. Statutory and administrative rule updates.

18 a. Legislative changes required to implement the
19 transition. Additional legislation is necessary to fully
20 implement the transition. The director of the department
21 of health and human services shall, in compliance with
22 section 2.16, prepare draft legislation for submission to the
23 legislative services agency, as necessary, for consideration
24 by the general assembly during the 2023 legislative
25 session, to implement the transition effective July 1, 2023.
26 Notwithstanding any provision to the contrary in section 2.16,
27 the draft legislation shall be submitted to the legislative
28 services agency by October 1, 2022.

29 b. Update of administrative code required by the
30 transition. In updating references and the format in the
31 Iowa administrative code, in order to correspond to the
32 transferring of duties of the transition departments, the
33 administrative rules coordinator and the administrative rules
34 review committee, in consultation with the administrative code
35 editor, shall collectively develop a schedule for the necessary

1 updating of the Iowa administrative code.

2 DIVISION XII

3 NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY
4 OF CARE RATE ADD-ON PROGRAM

5 Sec. 51. Section 249L.2, subsections 6 and 7, Code 2022, are
6 amended by striking the subsections.

7 Sec. 52. Section 249L.2, subsection 8, Code 2022, is amended
8 to read as follows:

9 8. *"Nursing facility"* means a licensed nursing facility as
10 defined in [section 135C.1](#) that is a freestanding facility or
11 a nursing facility operated by a hospital licensed pursuant
12 to [chapter 135B](#), but does not include a distinct-part skilled
13 nursing unit or a swing-bed unit operated by a hospital, or
14 a nursing facility owned by the state or federal government
15 or other governmental unit. ~~*"Nursing facility"* includes a
16 non-state government-owned nursing facility if the nursing
17 facility participates in the non-state government-owned nursing
18 facility quality of care rate add-on program.~~

19 Sec. 53. REPEAL. 2019 Iowa Acts, chapter 85, sections 103,
20 104, and 108, are repealed.

21 Sec. 54. REPEAL. 2020 Iowa Acts, chapter 1063, section 390,
22 is repealed.

23 DIVISION XIII

24 HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM —
25 ADMINISTRATION

26 Sec. 55. HEARING AID AND AUDIOLOGIC SERVICES FUNDING
27 PROGRAM ADMINISTRATION. The Iowa department of public
28 health shall not enter into a contract with a third party to
29 administer the hearing aids and audiologic services funding
30 program and shall adopt rules pursuant to chapter 17A to
31 administer the program within the department, including but not
32 limited to the administration of the application process, the
33 determination of applicants' eligibility, the enrollment of
34 eligible applicants into the program, the maintenance of the
35 hearing aids and audiologic services funding waitlist, and the

1 reimbursement of providers.

2 DIVISION XIV

3 HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM —

4 FY 2021-2022 NONREVERSION

5 Sec. 56. 2021 Iowa Acts, chapter 182, section 3, subsection
6 2, paragraph e, is amended to read as follows:

7 e. Of the funds appropriated in this subsection, \$156,000
8 shall be used to provide audiological services and hearing
9 aids for children. Notwithstanding section 8.33, moneys
10 appropriated in this paragraph that remain unencumbered or
11 unobligated at the close of the fiscal year shall not revert
12 but shall remain available for expenditure for the purposes
13 designated until the close of the succeeding fiscal year. The
14 amount that does not revert shall be reported by the department
15 to the general assembly.

16 Sec. 57. EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION XV

19 ADMISSION OR TRANSFER OF PERSONS WITH A DIAGNOSIS OF AN
20 INTELLECTUAL DISABILITY TO A STATE MENTAL HEALTH INSTITUTE

21 Sec. 58. Section 4.1, subsection 9A, Code 2022, is amended
22 by striking the subsection and inserting in lieu thereof the
23 following:

24 9A. "*Intellectual disability*" means a diagnosis of
25 intellectual disability or intellectual developmental disorder,
26 global developmental delay, or unspecified intellectual
27 disability or intellectual developmental disorder which
28 diagnosis shall be made only when the onset of the person's
29 condition was during the developmental period and based on an
30 assessment of the person's intellectual functioning and level
31 of adaptive skills. A diagnosis of intellectual disability
32 shall be made by a licensed psychologist or psychiatrist who
33 is professionally trained to administer the tests required to
34 assess intellectual functioning and to evaluate a person's
35 adaptive skills and shall be made in accordance with the

1 criteria provided in the current version of the diagnostic
2 and statistical manual of mental disorders published by the
3 American psychiatric association.

4 Sec. 59. Section 226.8, Code 2022, is amended to read as
5 follows:

6 **226.8 Persons with a diagnosis of an intellectual disability**
7 **~~not receivable — exception — admission or transfer to state~~**
8 **mental health institute.**

9 1. A Admission or transfer pursuant to section 222.7 to
10 a state mental health institute of a person who has with a
11 diagnosis of an intellectual disability, as defined in section
12 4.1, shall not be admitted, or transferred pursuant to section
13 222.7, to a state mental health institute unless a professional
14 diagnostic evaluation indicates that such only occur under the
15 following conditions:

16 a. If all of the following requirements are met:

17 (1) The person has been determined by the state mental
18 health institute to meet admission criteria for inpatient
19 psychiatric care.

20 (2) The state mental health institute has determined the
21 person will benefit from psychiatric treatment or from some
22 other specific program available at the state mental health
23 institute to which it is proposed to admit or transfer the
24 person.

25 (3) There is sufficient capacity available at the state
26 mental health institute to support the needs of the person.

27 b. If determined appropriate for the person at the
28 sole discretion of the director of human services, the
29 administrator, or the director's or administrator's designee.

30 2. Charges for the care of any person with a diagnosis of
31 an intellectual disability admitted to a state mental health
32 institute shall be made by the institute in the manner provided
33 by [chapter 230](#), but the liability of any other person to any
34 ~~county~~ mental health and disability services region for the
35 cost of care of such person with a diagnosis of an intellectual

1 disability shall be as prescribed by [section 222.78](#).

2

DIVISION XVI

3 COLLEGES OF MEDICINE AND DENTISTRY — RESIDENCY — REPORTS

4 Sec. 60. Section 262.9, Code 2022, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 39. Adopt a policy requiring that not less
7 than seventy-five percent of the students who are accepted
8 at the college of medicine in the doctor of medicine program
9 and who are accepted at the college of dentistry at the state
10 university of Iowa be residents of Iowa or persons who were,
11 prior to applying to such college, enrolled in an eligible
12 postsecondary institution as defined in section 261E.2.

13 Sec. 61. Section 263.2, Code 2022, is amended to read as
14 follows:

15 **263.2 Degrees — reports.**

16 1. A person shall not be admitted to courses of instruction
17 in the university if the person has not completed the
18 elementary instruction in such branches as are taught in the
19 public or accredited nonpublic schools throughout the state.

20 2. Graduates of the university shall receive degrees or
21 diplomas, or other evidences of distinction such as are usually
22 conferred and granted by universities and are authorized by the
23 state board of regents.

24 3. The state university of Iowa, in collaboration with the
25 university hospitals and clinics, shall submit an annual report
26 to the general assembly providing the following information:

27 a. The states in which members of each graduating class
28 from the college of dentistry and the college of medicine's
29 doctor of medicine program reside during the year immediately
30 following graduation. The information shall be categorized
31 by either residents of Iowa at the time of application to the
32 college or nonresidents at the time of application to the
33 college.

34 b. The states in which the university of Iowa hospitals and
35 clinics primary care and specialty residents reside in the year

1 following completion of medical residency and whether following
2 residency such residents accepted fellowships. The information
3 shall be categorized by primary care and the various areas of
4 specialty, and shall specify whether the medical residents
5 were residents of Iowa prior to applying for admission at an
6 undergraduate college or university, received a baccalaureate
7 degree from a postsecondary institution in Iowa, or graduated
8 from a medical school in Iowa, whether or not the medical
9 residents were residents of the state at the time of acceptance
10 into the university of Iowa hospitals and clinics' residency
11 programs and, if any residents accepted fellowships following
12 residency, the states in which the fellowships are offered and
13 the areas of specialty under the fellowships.

14 DIVISION XVII

15 MEDICAL RESIDENCY POSITIONS AND AUDITION CLINICALS

16 Sec. 62. MEDICAL RESIDENCY POSITIONS AND AUDITION CLINICALS
17 — MEDICAL STUDENTS AND APPLICANTS MEETING CERTAIN CRITERIA —
18 ANNUAL REPORT.

19 1. The university of Iowa hospitals and clinics shall offer
20 an interview for an available medical residency position to
21 any applicant who has a residency specialty in obstetrics and
22 gynecology, psychiatry, general surgery, emergency medicine,
23 cardiology, neurology, or primary care and who also is a
24 resident of Iowa, attended and earned an undergraduate degree
25 from an Iowa college or university, or attended and earned a
26 medical degree from a medical school in Iowa.

27 2. The university of Iowa hospitals and clinics shall
28 provide the opportunity to a medical student attending a
29 medical school in Iowa to participate in an audition clinical
30 in the medical residency specialty for which the medical
31 student applies to allow the university to constructively
32 review the student in a clinical setting.

33 3. The university of Iowa hospitals and clinics shall submit
34 a report to the governor and the general assembly by January
35 15, annually, regarding the interviews and audition clinicals

1 as specified in this section during the prior fiscal year.
2 Specifically, the report shall include for each interview or
3 audition clinical the name of the student's or applicant's
4 medical school, whether an applicant was offered and
5 participated in an interview, whether the student was offered
6 and participated in an audition clinical, whether the applicant
7 was accepted for one of the residency program positions, and
8 the total number of available residency positions filled by an
9 applicant meeting the criteria under this section.

10 DIVISION XVIII

11 HEALTH CARRIERS — TELEHEALTH

12 Sec. 63. Section 514C.34, subsection 3, Code 2022, is
13 amended to read as follows:

14 3. a. Health care services that are delivered by telehealth
15 must be appropriate and delivered in accordance with applicable
16 law and generally accepted health care practices and standards
17 prevailing at the time the health care services are provided,
18 including all rules adopted by the appropriate professional
19 licensing board, pursuant to [chapter 147](#), having oversight
20 of the health care professional providing the health care
21 services.

22 b. A health carrier shall not exclude a health care
23 professional who provides services for mental health
24 conditions, illnesses, injuries, or diseases and who is
25 physically located out-of-state from participating as a
26 provider, via telehealth, under a policy, plan, or contract
27 offered by the health carrier in the state if all of the
28 following requirements are met:

29 (1) The health care professional is licensed in this state
30 by the appropriate professional licensing board and is able
31 to deliver health care services for mental health conditions,
32 illnesses, injuries, or diseases via telehealth in compliance
33 with paragraph "a".

34 (2) The health care professional is able to satisfy the same
35 criteria that the health carrier uses to qualify a health care

1 professional who is located in the state, and who holds the
2 same license as the out-of-state professional, to participate
3 as a provider, via telehealth, under a policy, plan, or
4 contract offered by the health carrier in the state.

5 Sec. 64. EFFECTIVE DATE. This division of this Act, being
6 deemed of immediate importance, takes effect upon enactment.

7 Sec. 65. APPLICABILITY. This division of this Act applies
8 to health carriers that deliver, issue for delivery, continue,
9 or renew a policy, contract, or plan in this state on or after
10 the effective date of this Act.

11 DIVISION XIX

12 NURSING FACILITY CONSTRUCTION OR EXPANSION RELIEF

13 Sec. 66. Section 249K.2, subsection 4, Code 2022, is amended
14 to read as follows:

15 4. "*Major renovations*" means construction or facility
16 improvements to a nursing facility in which the total amount
17 expended exceeds ~~one million five~~ seven hundred fifty thousand
18 dollars.

19 Sec. 67. Section 249K.5, subsection 2, Code 2022, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. c. The nursing facility for which relief
22 or an exception is requested is proposing replacement or
23 enhancement of an HVAC, as defined in section 105.2, system for
24 improved infection control.

25 Sec. 68. ADMINISTRATIVE RULES — ADOPTION AND
26 AMENDMENT. The department of human services shall adopt or
27 amend rules pursuant to chapter 17A to administer this division
28 of this Act. Specifically, the department shall amend rules
29 relating to nursing facility additional requirements for all
30 requests for the capital cost per diem instant relief add-on
31 and enhanced nondirect care rate component limit to provide
32 that with regard to the additional requirements a nursing
33 facility must meet, the facility has Medicaid utilization at
34 or above forty percent for the two-month period before the
35 request for additional reimbursement is submitted. Medicaid

1 utilization for this purpose is calculated as total nursing
2 facility Medicaid patient days divided by total in-house
3 patient days as reported on the facility's most current
4 financial and statistical report.

5 DIVISION XX

6 HEALTH CARE PROVIDERS — COVID-19 AND EXPERIMENTAL TREATMENTS

7 Sec. 69. Section 144E.2, subsection 1, paragraphs a, c, and
8 e, Code 2022, are amended to read as follows:

9 a. Has a terminal illness, attested to by ~~the patient's~~ a
10 treating physician, or is receiving mechanical ventilation to
11 prolong life.

12 c. Has received a recommendation from ~~the individual's~~ a
13 physician for an investigational drug, biological product, or
14 device.

15 e. Has documentation from ~~the individual's~~ a physician that
16 the individual meets the requirements of **this subsection.**

17 Sec. 70. Section 144E.2, subsection 2, Code 2022, is amended
18 to read as follows:

19 2. "*Investigational drug, biological product, or device*"
20 means a any of the following:

21 a. A drug, biological product, or device that has
22 successfully completed phase 1 of a United States food and drug
23 administration-approved clinical trial but has not yet been
24 approved for general use by the United States food and drug
25 administration and remains under investigation in a United
26 States food and drug administration-approved clinical trial.

27 b. An off-label use of a drug.

28 Sec. 71. Section 144E.2, Code 2022, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 2A. "*Off-label use of a drug*" means
31 the legal, prescribed use of a drug in a manner different
32 from that described on the United States food and drug
33 administration-approved drug label, including the use of a
34 drug for a different disease or medical condition or giving
35 a drug at a different dose or through a different route of

1 administration other than that approved by the United States
2 food and drug administration.

3 Sec. 72. Section 144E.2, subsection 4, unnumbered paragraph
4 1, Code 2022, is amended to read as follows:

5 *“Written informed consent”* means a written document that
6 is signed by the patient, a parent of a minor patient, or a
7 legal guardian or other legal representative of the patient and
8 attested to by ~~the patient’s~~ a treating physician and a witness
9 and that includes all of the following:

10 Sec. 73. Section 144E.2, subsection 4, paragraphs b and d,
11 Code 2022, are amended to read as follows:

12 *b.* An attestation that the patient concurs with ~~the~~
13 ~~patient’s~~ a treating physician in believing that all products
14 and treatments approved by the United States food and drug
15 administration are unlikely to prolong the patient’s life.

16 *d.* A description of the best and worst potential outcomes
17 of using the investigational drug, biological product, or
18 device and a realistic description of the most likely outcome.
19 The description shall include the possibility that new,
20 unanticipated, different, or worse symptoms might result
21 and that death could be hastened by use of the proposed
22 investigational drug, biological product, or device. The
23 description shall be based on ~~the~~ a treating physician’s
24 knowledge of the proposed investigational drug, biological
25 product, or device in conjunction with an awareness of the
26 patient’s condition.

27 Sec. 74. Section 144E.4, Code 2022, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 5. This chapter does not create a duty
30 for a hospital licensed under chapter 135B to credential any
31 physician.

32 Sec. 75. Section 144E.8, subsection 1, Code 2022, is amended
33 to read as follows:

34 1. **This chapter** shall not create a private cause of
35 action against a manufacturer of an investigational drug,

1 biological product, or device, against a physician, health care
2 practitioner, or facility that provides necessary follow-up
3 care, or against any other person or entity involved in the
4 care of an eligible patient using the investigational drug,
5 biological product, or device for any harm done to the eligible
6 patient resulting from the investigational drug, biological
7 product, or device, if the manufacturer or other person or
8 entity is complying in good faith with the terms of this
9 chapter and has exercised reasonable care.

10 Sec. 76. Section 144E.9, Code 2022, is amended to read as
11 follows:

12 **144E.9 Assisting suicide.**

13 This chapter shall not be construed to allow a patient's
14 treating physician to assist the a patient in committing or
15 attempting to commit suicide as prohibited in section 707A.2.

16 Sec. 77. Section 686D.6, Code 2022, is amended to read as
17 follows:

18 **686D.6 Liability of and disciplinary actions against health
19 care providers.**

20 1. A health care provider shall not be liable for civil
21 damages or subject to disciplinary action by the health
22 care provider's licensing board for causing or contributing,
23 directly or indirectly, to the death or injury of an individual
24 as a result of the health care provider's acts or omissions
25 while providing or arranging health care in support of the
26 state's response to COVID-19. This subsection shall apply to
27 all of the following:

28 a. Injury or death resulting from screening, assessing,
29 diagnosing, caring for, or treating individuals with a
30 suspected or confirmed case of COVID-19.

31 b. Prescribing, administering, or dispensing a
32 pharmaceutical for off-label use to treat a patient with a
33 suspected or confirmed case of COVID-19.

34 c. Acts or omissions while providing health care to
35 individuals unrelated to COVID-19 when those acts or omissions

1 support the state's response to COVID-19, including any of the
2 following:

3 (1) Delaying or canceling nonurgent or elective dental,
4 medical, or surgical procedures, or altering the diagnosis or
5 treatment of an individual in response to any federal or state
6 statute, regulation, order, or public health guidance.

7 (2) Diagnosing or treating patients outside the normal
8 scope of the health care provider's license or practice.

9 (3) Using medical devices, equipment, or supplies outside
10 of their normal use for the provision of health care, including
11 using or modifying medical devices, equipment, or supplies for
12 an unapproved use.

13 (4) Conducting tests or providing treatment to any
14 individual outside the premises of a health care facility.

15 (5) Acts or omissions undertaken by a health care provider
16 because of a lack of staffing, facilities, medical devices,
17 equipment, supplies, or other resources attributable to
18 COVID-19 that renders the health care provider unable to
19 provide the level or manner of care to any person that
20 otherwise would have been required in the absence of COVID-19.

21 (6) Acts or omissions undertaken by a health care provider
22 relating to use or nonuse of personal protective equipment.

23 2. This section shall not relieve any person of liability
24 for civil damages or a health care provider from disciplinary
25 action by the health care provider's licensing board for any
26 act or omission which constitutes recklessness or willful
27 misconduct.

28 Sec. 78. EFFECTIVE DATE. This division of this Act, being
29 deemed of immediate importance, takes effect upon enactment.

30 DIVISION XXI

31 HEALTH-RELATED DATA

32 Sec. 79. Section 11.41, subsection 3, Code 2022, is amended
33 to read as follows:

34 3. If the information, records, instrumentalities, and
35 properties sought by the auditor of state are required by law

1 to be kept confidential, the auditor of state shall have access
2 to the information, records, instrumentalities, and properties,
3 but shall maintain the confidentiality of all such information
4 and is subject to the same penalties as the lawful custodian
5 of the information for dissemination of the information.
6 However, the auditor of state shall not have access to the
7 income tax returns of individuals or to an individual's name
8 or residential address from a reportable disease report under
9 section 139A.3.

10 Sec. 80. Section 135.166, subsection 2, Code 2022, is
11 amended to read as follows:

12 2. Unless otherwise authorized or required by state or
13 federal law, data collected under **this section** shall not
14 include the social security number or name of the individual
15 subject of the data.

16 Sec. 81. Section 139A.3, Code 2022, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 1A. A state or local agency employee
19 or agent shall not have access to personally identifiable
20 information included in a reportable disease report provided
21 to or maintained by the department, a local board, or a local
22 department, unless the employee or agent has completed data
23 confidentiality training.

24 DIVISION XXII

25 PSYCHIATRY RESIDENCY PROGRAM

26 Sec. 82. NEW SECTION. 135.180 **State-funded psychiatry**
27 **residency program — fund — appropriations.**

28 1. The university of Iowa hospitals and clinics shall
29 administer a state-funded psychiatry residency program
30 in cooperation with the state mental health institutes at
31 Independence and Cherokee, the state resource centers at
32 Glenwood and Woodward, the state training school at Eldora,
33 and the Iowa medical and classification center at Oakdale.
34 The university of Iowa hospitals and clinics shall expand the
35 psychiatry residency program to provide additional residency

1 positions by providing financial support for residency
2 positions which are in excess of the federal residency cap
3 established by the federal Balanced Budget Act of 1997, Pub. L.
4 No. 105-33. Participating residents shall complete a portion
5 of their psychiatry training at one of the state mental health
6 institutes, the state resource centers, the state training
7 school, or the Iowa medical and classification center at
8 Oakdale. For accreditation-required clinical experiences not
9 available at the state mental health institutes, the state
10 resource centers, the state training school, or the Iowa
11 medical and classification center at Oakdale, the psychiatry
12 residency program and its residents may utilize clinical
13 rotations at the university of Iowa hospitals and clinics and
14 its affiliates across the state.

15 2. The residency program shall provide for the awarding
16 of twelve residency positions for each class of residents.
17 Preference in the awarding of residency positions shall
18 be given to candidates who are residents of Iowa, attended
19 and earned an undergraduate degree from an Iowa college or
20 university, or attended and earned a medical degree from a
21 medical school in Iowa.

22 3. A psychiatry residency program fund is created in
23 the state treasury consisting of the moneys appropriated or
24 credited to the fund by law. Notwithstanding section 8.33,
25 moneys in the fund at the end of each fiscal year shall not
26 revert to any other fund but shall remain in the psychiatry
27 residency program fund for use in subsequent fiscal years.
28 Moneys in the fund are appropriated to the university of Iowa
29 hospitals and clinics to be used for the purposes of the
30 program. For fiscal years beginning on or after July 1, 2023,
31 there is appropriated from the general fund of the state to the
32 psychiatry residency program fund the following amounts to be
33 used for the purposes of the program:

34 a. For the fiscal year beginning July 1, 2023, one million
35 two hundred thousand dollars.

1 *b.* For the fiscal year beginning July 1, 2024, two million
2 four hundred thousand dollars.

3 *c.* For the fiscal year beginning July 1, 2025, three million
4 six hundred thousand dollars.

5 *d.* For the fiscal year beginning July 1, 2026, and each
6 fiscal year thereafter, four million eight hundred thousand
7 dollars.